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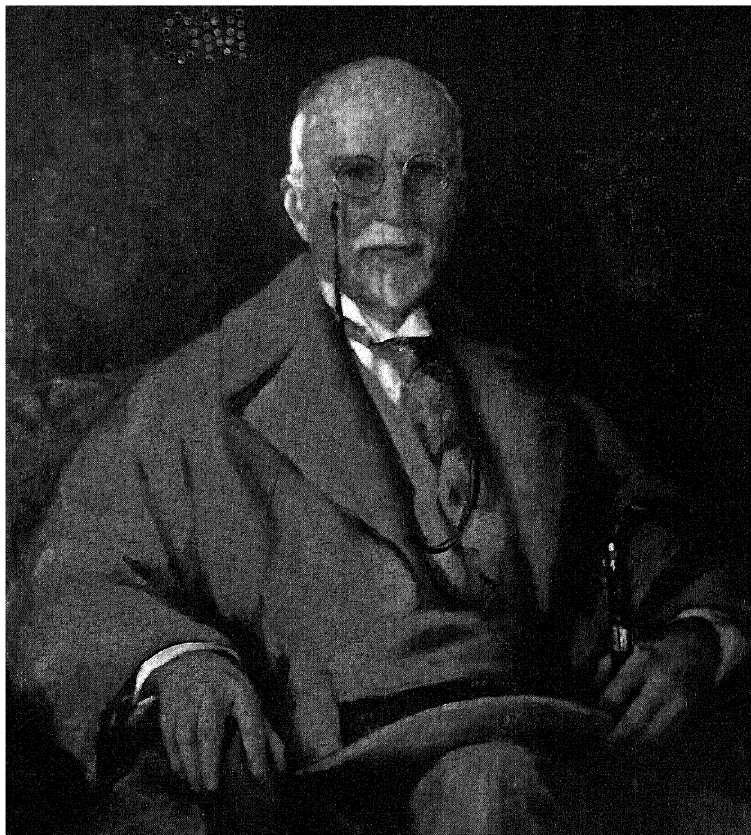




IT'S A FAR 'CRY







THE AUTHOR  
From a Painting by William Steen

# IT'S A FAR CRY

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BY

ROBERT WATSON WINSTON



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BOOK ONE  
DOWN BY THE RIVERSIDE



## CHAPTER I

### OUR REFUGEE PLANTATION

ONE afternoon, in the spring of 1865, two small boys might have been seen sitting on the stile, halfway between the Great House and the slave quarters. The older of the two, named Lundsay, was black and a slave, the other was the writer of these lines, Lundsay's young master, his very young master in fact, being then but four years and eight months old. At the little railroad station called Durham—less than fifty miles away—General Johnston had just surrendered to General Sherman and the Confederacy had collapsed.

For several days we had been expecting the triumphant Union troops to march through Springfield, our refugee plantation, on their way north. Expectation was at tip-toe. Ever since Sherman's easy victory over Johnston, at the last pitched battle of the war, known as Bentonville, the wildest rumors had been afloat. The grapevine telegraph told of a mighty Yankee host, in bright uniforms, with brass buttons and pockets bulging with real money. Finally the eventful day had arrived. In the distance, Lundsay and I could catch the rub-a-dub-dub of the kettledrum and the notes of the fife.

Nearer came the sound of marching feet and soon our ten-acre grove was alive with Blue Coats. Almost in a moment horses were unhitched and fed, tents, white and circus-like, arose and a little city sprang up. Soldiers by the hundreds began to wander through the slave quarters and around our dwelling. But neither Lundsay nor I seemed to be alarmed, we were much too young and too busy with the sight of huge caissons and muskets with bayonets fixed, and knapsacks and canteens and jolly, rollicking soldiers wearing the queerest

looking flat-topped caps, whose brims stretched far out to the front. Presently a group of soldiers discovered us and came our way.

"Hello, little Johnny Reb," said one of them, chucking me under the chin. "Hasn't your pap got any applejack hid around here?"

"Yes, sirree," I replied, confusing apple brandy with apple pies, "we had some fine flapjacks for dinner."

After a short rest the army marched away, having done no damage to persons or property. In fact, so far as I have been able to discover, Union troops in North Carolina usually respected property, though near Fayetteville, where resistance had been offered, food was destroyed, livestock carried off and considerable pillaging occurred. Perhaps one reason our home was unmolested was that General Frank Blair, commanding this Division, and Father had been students at the same University and the General partook of our hospitality and placed a guard about our premises. Father had just come in from Raleigh, at which place, and in Richmond, he had been occupied as a judge of the Court of Claims, a court consisting of three lawyers highly regarded for conservatism and soundness of judgment.

But, I am about to omit an incident which happened the day before the army moved North, it being just the kind of thing that would linger in the mind of a child. Mother's only brother, Lieutenant Colonel of the 11th North Carolina Regiment, had been killed, the August previous, leading his men to recapture the railroad at Reams' Station, near Petersburg. Now when Uncle went to the front he left behind a brood of chickens, a game pullet in the number. This pullet had grown up and was sitting under a sweet betsy bush, just inside the garden gate, and getting ready to hatch. A soldier, discovering the hen and concluding she was laying, reached down for a fresh egg and had his eye badly pecked.

From these incidents it might be inferred that I possessed



an unusual memory, but this was not the case. Nor was I forward in acquiring knowledge. I was backward, and not at all in the class with the precocious ones. Mozart, for example, an art critic at three, we are told; John Stuart Mill, at the same age, beginning the study of Greek; Sir Walter Scott, at four remembering his grandfather's funeral; and a famous Catholic priest assuring us he could recall the day he was weaned. At all events these early memories made a lasting impression upon me. And naturally so.

The war was our undoing, our alpha and omega. War swept away Father's estate, including nearly a hundred slaves; enraged a proud people, depriving them of the power to think dispassionately, and converted the South into a second Ireland. Though Father had opposed war and stood for the Whig ticket, headed by John Bell and Edward Everett, on a platform whose only plank was the Union and the Constitution, when war came and he must choose, he went with his neighbors and his state, and went whole-heartedly. And so did those of his blood.

My oldest brother, at the age of seventeen, ran away from the University and joined the army. Father was in the judicial department at Richmond. His nephew was a gallant young lieutenant. Company C of the 11th North Carolina Regiment, was composed largely of our kinspeople. Commanded by Mother's brother, Colonel Byrd, it was cut to pieces on the first day at Gettysburg, 82 men out of 86 being killed or wounded.

Psychology may overestimate the influence of early impressions upon the mind of the young, but with me such influences could not well be overstated. An infant at the breast, all during the war I sucked in the sorrows which overwhelmed my tender-hearted mother. Many a time she has said to me, "My child, in those trying days, when the lists of the dead were published, I was so overcome I must have shed bushels of tears in your puzzled, little, upturned face."

As I have said, her brother, when scarcely twenty-five, was killed defending Petersburg. In a pine box his body came by rail to Kittrell Springs, our nearest railroad station, and thence by cart to Springfield. In St. Thomas' churchyard at Windsor, more than a hundred miles away, he was laid to rest, the last long journey over bad roads having been made by Washington, our carriage driver, in a plain carry-all with no one but himself and his dead young master.

I do not remember my uncle except as he was reflected in the quiet, self-effacing life of Mother. Yet I seem to see him now, the idol of his county, graceful, well groomed, full of fun, a student at Brown University and then prosecuting attorney of his district. Once during the war he came home on sick leave and was nursed by Mother, a devout churchwoman. "Frank," she softly said, "you are quite sick and don't you wish me to read a chapter in the Bible?" "Certainly, Sister," he replied. "I would like for you to turn over to the fifteenth of Judges and read the entire chapter." Mother, delighted to know that her young soldier-brother could remember anything from the Good Book, opened and was horrified when she saw that it was the ridiculous account of Samson and the foxes! "And Samson went and caught three hundred foxes and bound them, tail to tail, and put a firebrand in the midst between two tails and set the firebrand on fire and let them go into the standing corn of the Philistines and burned up both the shocks and the standing corn, with the vineyards and olives."

We had brought along to our refugee home only about half of our slaves; the rest were left down the country, where we had lived before the enemy's gunboats came up the Albemarle Sound and ran us out. Among the slaves who came with us to Springfield were two natural-born fun makers, Buck and Slade, Buck making the banjo ring and Slade clicking off the clog dances. These young fellows were unable to resist the music of Sherman's drum corps and off they

wandered with the Union army, soon returning, however, to their old haunts. Most of the colored people, indeed, all during the war, were true to us. Even after Lincoln's proclamation of September, 1862, which changed the policy of the Government and made it a war of liberation, a strange situation was presented. Our servants, as we called them, went forward tilling the soil and raising provisions to feed the Confederate army and rivet their own chains. Indeed, I think I am safe in saying that the word Yankee was as distasteful to Lundsays and to Aunt Harriet, my old nurse, and to Susan, my young nurse, as it was to me. This phenomenon I cannot explain except on the theory that our black people were a kind-hearted, contented race and well treated. Moreover they were mere children and did not understand what freedom meant. And yet they soon learned.

Shortly after Buck returned from the North my older brother met him one day and asked how he liked the Yankees. Buck agreed that the South, and not the North, was the place for the Negro. "But won't you go further?" Brother asked. "Weren't you really happier and better off as a slave?" Buck, looking very solemn and, slapping himself on the leg, broke out into a loud guffaw. "Well now, boss (not young master), hit's dis way, freedom's powerful sweet!"

It is not at all strange that the new freedom often went to the head of the newly liberated slave and made him pompous and ridiculous. This crudity however was confined to the corn-field darkies, quality negroes being above such conduct. The case of Slade's wife, a countrified darky, is in point. When set free, she became so much of a lady, and so useless in the kitchen, that Mother let her go. Next day Father, meeting Slade, inquired what was the matter. Slade pursed his big thick lips, scratched his woolly head and delivered himself after this fashion, "Well, boss, as nigh as I kin make it out the ladies they just can't agree!"

In addition to Springfield Father owned two plantations down on the coast. He also ran a fishery, called Terrapin Point. But he was essentially a lawyer, his head being clear and his opinion much valued. Therefore, in the fall of '65, when North Carolina accepted President Johnson's invitation to call a Constitutional Convention, Father was elected a member from Franklin County. Though not a citizen of the county he was demanded in the prevailing crisis. The Convention met in October and was a notable one, doing its work with speed and thoroughness. None but conservatives had been chosen, these consisting of Union Whigs and such Democrats as had opposed secession prior to Lincoln's call for troops. In that loyal convention original secessionists would have been as lonesome as a sinner within the gates of the City Beautiful.

When the time came to repeal the Ordinance of Secession the convention re-affirmed the old Whig doctrine that there could be no such thing as legal secession. It was resolved that the ordinance was not only null and void but always had been null and void. In the light of this event, it seems clear that North Carolina was as loyal to the Union in October, 1865, as it had been before the war. And I fully concur with Dr. J. G. DeRoulhac Hamilton, the North Carolina historian, that but for the wickedness of certain Northern radicals who proceeded to insult and bully the South, the old Democratic party would have been buried beyond resurrection.

Soon after the convention adjourned Father came down to Springfield and made arrangements to move back east. And so we left our refugee plantation and returned to our old home, called Windsor Castle ever since Indian days, situated at Windsor, the seat of Bertie County, whose golden sand-cliffs are washed by the waves of Albemarle Sound. Scotch Hall and Avoca, the homes of our kinspeople, overlook the Sound and remind one of Locksley Hall. When, indeed, I used to stand on the noble bluff at the Hall, over against

beautiful Edenton Bay, I could fancy I heard the curlews call.

Though at this time I had reached only my sixth year I was quite mature. I doubt not that the subconscious impressions of infancy later shaped my thoughts and made me what I am today. Not that my childhood was unhappy, nor that I developed that subtle, elusive something, called a complex. Though I was shrinking and diffident, I was full-blooded. I found pleasure in our home life and in children's story books, in out-of-door sports and, particularly, in my dog Tiger, my inseparable companion. He was half bull, half cur, his coat a deep red. In later years Tiger followed the steamer which bore me away to school, running and yelping, miles and miles, through the dank cypress brakes and the tangled juniper pocosins fringing the banks of the Cashie.

Moreover, I must have been an unconscionable young liar. But a cheerful one! At Springfield, one summer day, Susan took me for an outing to the spring—some half mile away—over the hills, and beyond the barns and the stables. In the cool pebbly branch I waded and gathered the shiny particles of yellow quartz, which geologists call iron pyrites or fool's gold. Quite engrossed in our pleasure of damming up the branch and making pine-bark boats, my nurse and I completely lost ourselves, and, worse still, we lost the silver cup which I had inherited from my little brother, who had recently died of scarlet fever. Greatly alarmed, Sue and I put our heads together to explain the mishap. Finally we hit upon it. We would declare that an old cow had chased us and swallowed the cup!

"Mamma," I breathlessly exclaimed, as I entered Mother's room, "what you reckon, ole cow swallowed our cup!"

"She sho did, mistis," Sue solemnly asseverated. "I seen her when she done it!"

Mother doted on a sprightly, saucy child and I escaped the rod. But my next adventure into the realm of fancy did not end quite so happily. We were at Dr. Blacknall's Hotel, at

Kittrell Springs, just after the war. The night was dark. Our apartments were at one end of the long building, and our friends', the Engelhards and Fremonts, at the other, whither Mother and I had gone to pay a call. At length Mother bade me run down and see how my baby sister was coming on. Bravely I toddled out of the cozy room and onto the dark veranda—my destination fully five hundred awesome feet away. And then my heart failed me. There arose visions of dead soldiers, transported in gruesome boxes over the railroad, which ran in front of our hotel. I could go no further. On the door-sill I crouched and concocted a whopping fib.

I reported that baby Alice was sound asleep in her crib, Aunt Harriet sitting in the door knitting. Susan had made up her pallet and was saying her prayers. Not a detail did I omit. And this yarn I had scarcely related when in walked Aunt Harriet with the squalling baby in her arms! "Mistis," she grunted, "suppin' matter dis chile. Gin her catnip tea, en rocked her, en she jist won't go to sleep!" Despite the appeals of dozens of refugees I was duly taken in hand and next day my legs were switched with china rods—each single rod as small as a straw but, woven together into a bundle, how effective—until I promised never again to indulge in my favorite pastime.

Dear old Aunt Harriet, black, portly and faithful! She soon died. Her last will and testament was discovered in her basket. It gave me all she had; it provided that her earthly possessions, or plunder as she called them, consisting of a feather bed and a few simple household articles, should go to her young Master Robert and his heirs forever.

But, dear as Aunt Harriet was to us, I think Lucy, who came to Father from his father, was even closer. She was Mother's companion and friend, always sleeping on a pallet in the room with her when Father was away. And as for us little ones, Lucy was our all-in-all. She mended our clothes,



AUNT HARRIET





knit our socks, held our noses when we took castor oil, tucked us in our cribs when we went to bed, and occasionally heard our prayers, though it must be confessed that this ceremony sometimes lacked spirituality and took on a comical and ridiculous aspect.

"Come here, Marse George," Lucy would say. "You knows you ain't gwine to bed widout sayin' your prayers."

When the little chap had toddled over and knelt down and put his tired curly head in the lap of his faithful slave-companion, she would quietly place a small China vessel between his legs and begin to line out the familiar words, "Now I lay me down to sleep."

George would repeat, "Now I lay me down to sleep."

"I pray Thee, Lord, my soul to keep."

"I pray Thee, Lord, my soul to keep."

At this point Lucy, peeping down, and neither seeing nor hearing any evidence of activity in that quarter, would blurt out, "Now, Marse George, you knows you ain't a prayin'!"

These little stories may appear trivial, but are they not more eloquent than words of the tender relationship of master and mistress to their houseservants? These faithful creatures did indeed move in and out amongst us like shadows. We were not aware of them. In their presence, we dressed and undressed. To them we unbosomed ourselves more freely than to our own parents. They were but overgrown children, sympathetic, full of emotion, very close to God, and with immense capacity for affection.

But not all slaves were like Lucy and Aunt Harriet. Occasionally an educated negro would be brought in from Jamaica, or San Domingo, and violence would follow. Such a turbulent character was Nat Turner, instigator of the Southampton insurrection which took place in 1831, only a few miles from the little village in which Mother lived when a girl. Nat was a native of San Domingo, a preacher and the reputed son of Toussaint L'Ouverture, whom Wendell Phil-

lips immortalized in his Philippic against the state of Virginia. This fierce negro, Nat Turner, had been trusted and respected by his master and took advantage of his position to organize and arm a squad of slaves. One day in August, when the whites had gone to a distant revival meeting, Nat and his band rose and murdered seventy-five women, children and aged men. As he would cut an infant's throat he would say, "Nits make lice." This matter created consternation throughout the South and caused harsh laws to be enacted regulating slavery.

Bertie County was horror-struck. The jail was filled with the slaves who were considered turbulent or even suspicious. Now the jail building was on Queen Street and directly in my path to the schoolhouse, and when I passed along in front of it I would shudder as I recalled Mother's account of the insurrection. A dozen kegs of powder, with fuses attached, had been placed under the jail. A resolute white man had stood at each fuse with a torch in hand, and a relay of horsemen had covered the seventy-two miles from Southampton to Windsor. The first messenger had been directed to race with all speed to the second, and the second to the third. The last horseman as he dashed into town was to fire a gun. At this signal a hundred slaves were to be blown to atoms.

Fortunately, the insurrection did not spread in so large a way but a dreadful situation developed at the home of Mother's father. It seems that a desperate slave, a carpenter, plotted, with two or three others, to murder his master. It was arranged that the master should be called to the door of his dwelling, at nine o'clock on a certain night, and cut to pieces with a broadax. Now the leader in this plot was the husband of a favorite housemaid. One evening she overheard the plan to murder her master. So distracted was she by the thought that if she spoke out her husband would be hanged and if she remained silent she would lose her best friend, that she knew not which way to turn. Finally, the poor girl pur-

sued the course of most slaves and stood by her master. On the appointed night the slaves, armed with axes, appeared at the back door and knocked. The door was opened, but not by the master. The sheriff and his posse burst upon the band and captured them. Soon thereafter all were executed.

At this time Mother was an infant, yet thoughts of those servile insurrections never wholly were absent from her mind. Father, on the contrary, had no scruples about owning slaves. The institution of slavery was taken as a matter of course, as his people for a hundred years had been slave owners. But there were certain rules as to the treatment of the colored folks which a real Southerner would not violate. Unless compelled to do so, no gentleman would sell a slave, and as to the fellow, known as a slave-trader, he was beneath contempt, he could not enter the front door of a real Southern home.

Father's propensity to acquire slaves amused Mother, and perplexed her. One day he drove up from Martin court, and, as he alighted, was followed by a string of the most barbarous-looking creatures imaginable, bred in the swamps of the Roanoke River. These Robinson negroes had been sold in a lump, and Father was the highest bidder. When Mother beheld them she was dumbfounded. "Why, Mr. Winston," she exclaimed, "what on earth are we going to do with this gang of mud turtles?" "Ah, Mammy," he replied, "you'll soon civilize them!" And he knew what he was talking about. In a short time contact with refined whites and with decent colored people worked wonders. It was not long before one of the little Robinson girls, Betty by name, had on a white apron and a jaunty cap, and was waiting on the table and keeping off the flies with a bunch of peacock feathers.

While this youthful little savage was going through the process of civilization, an amusing incident occurred. One day Mother gave her a pretty speckled jacket. The child,

overcome with her new possession, and reverting to a state of nature, darted off without a word of thanks. "Come back, you little sinner," called Mother. "Where are your manners?" The wild creature halted and, innocently, chirped, "In Mammy's chist!" Mother could never tell exactly what Betty meant but imagined she thought manners some sort of garment!

## CHAPTER II

### GENTLE FOLK

MOTHER was a quiet little body. But when trouble came she would meet it half-way—a quality acquired in her bringing up. Though her father died young, leaving a small estate, she was the pet of brothers and uncles and a favorite of wealthy kinspeople in whose homes she witnessed many a scene that smacked of courts. At Bonava Plantation, down the Sound, a quaint, old custom prevailed. Breakfast would be served at eleven and, as the young ladies of the household, with perhaps a half dozen guests, sauntered down the broad stairway, each one would be greeted with a cheerful, “Good morning, my beautiful mistress,” from the maidservants, grouped together and clad in white caps and scalloped aprons—a homage, like knight-service in chivalry, intended to stimulate pride and make the young Miss feel a sense of superiority.

Sometimes Mother would be one of the beautiful mistresses thus honored, and it amused her to tell about it. One little pickaninny, the whites of whose eyes were in contrast to the blackness of her skin, was too young to handle such big words as, “morning” and “beautiful” and “mistress,” and she would curtsy and grin and chirp, “Good mornin’, my beuny minny.”

In outward appearance Father and Mother were quite unlike, he, deliberate, tall, and portly; she, small and sylph-like. But in the essentials they were one; liberal, imbued with a sense of spiritual values, and proud of family tradition. There was never a year in which some less prosperous relative did

not live with us, attending our private school or reciting to our private tutor. During several years, Father's favorite niece, Georgie, lived with us and Mother then gave her a neatly bound book of Common Prayer. Sixty years after, when our family had gathered near Springfield to unveil a marker to Father's grandfather, Bartholomew Fuller, Cousin Georgie showed me the souvenir. "It is my most prized little treasure," she said.

Though Mother did not even play cards or waltz, she was not a puritan. Full of quiet fun, she would sometimes turn girl, to our great delight. Raising her skirts and exhibiting a dainty foot, and an ankle which Beatrix Esmond might have envied, she would show how the negroes used to dance in the slave quarters, cutting the back-step and the half-around. Mother possessed one rare faculty, she minded her own business and let other people's alone. Naturally, the rich and strong sought her companionship and the poor and needy came to her for aid and comfort. Hundreds called her Aunt Martha or Cousin Martha.

In youth, the village beauty, Mother might have shone in society, but preferred her home and kindred and friends and flowers. It may be age has dulled my sense of smell and yet I am sure no flowers today have the fragrance of Mother's. The pungent citrena, the absorbing cape jessamine, the overwhelming honeysuckle, the satisfying sweet betsy. And then the stately hollyhocks, and the roses—Jacqueminots, yellow banksias, and Malmaisons—the bold sweet williams, the snowdrops, spice pinks, bleeding hearts, and Star of Bethlehem.

Though a Confederate Chapter was organized and named for my uncle, Mother did not join the organization, nor did she associate herself with any Confederate group. But, just as soon as we were able, we put up a small marker over his grave:



LIEUTENANT COLONEL BYRD





Francis Wilder Byrd  
Lieut. Colonel 11th Reg.

N. C.  
Troops  
C. S. A.

Killed at Reams' Station, Va.

Soon after this stone was put in place I wrote my friend Dr. Ferebee, surgeon of the fighting-ship *Oregon*, and he sent us some cannon balls which mark the spot where my uncle sleeps.

The Book of Common Prayer, I feel sure, and the dignity and orderliness of the Episcopal worship, made Mother a churchwoman. She was certainly no theologian. I doubt if she ever read the Thirty-nine Articles, hid in the back of the Prayer Book. Nor was she concerned as to whether Athanasius or Ignatius wrote the Nicene creed. Religion she did not discuss, she lived. The aesthetics of religion satisfied her: sensuous music, the lofty *Te Deum*, the rector's drowsy sermon, soft lights falling through stained glass windows—these spiritual accessories bathed her soul in an atmosphere of peace and love.

In time of trouble the Prayer Book and the Bible were Mother's standbys. Let one of our terrifying storms break, with sharp, forked flashes of lightning playing around the fir tree between the bedroom and the well-house, with angry claps of thunder jarring the very foundations of Windsor Castle, and Mother would quietly open her Bible and move her rocker in the corner, repeating the comforting words of David or Isaiah. But, I must admit, she was not wholly dependent on the Good Book to save her. Like many another she believed in prayer but kept her powder dry.

On the approach of such a storm—a small black cloud showing up in the west, out toward our Moring Plantation, and deep thunder beginning to mutter—she would say to me,

"Robert, did you hear that? Hadn't you better water the lightning rods?" And off I would dart, fully as scared as Mother herself, to pump buckets of water and run and pour them around the conductors to draw the lightning from the house and on to the rods and into the wet ground.

Once a big meeting was in full swing down in the Baptist Church, and my generous, big-hearted brother, Frank, got religion. There had been the usual hearty singing and shouting and "amens" and other soul-stirring accessories, which moved the crowd and which Brother neither resisted nor desired to resist. And all this without Mother's knowledge. Whereupon our highly poetical cousin, Betty Creasy, hastened up home to break the sad intelligence. "Oh, Aunt Martha," she sighed, "what on earth do you reckon has happened? Frank has actually got religion in the Baptist Church."

"Well, Betty, Frank can't get religion too often."

Cousin Betty was the wife of a nephew of Father's who had lived with us and studied law under him. When he married he came with his bride and they were members of the household until their home, down by the riverside, was completed. And when Cousin Betty began housekeeping the staid old town of Windsor opened its eyes. Up-to-date, fired with a lofty ambition, she affected the best in everything, furnishings, bric-a-brac and whatnot. She put screens in her windows, and constructed a deep ice-house, instead of cooling milk and butter in the well, as everyone else did. She actually bought a full-blooded Jersey cow and had ice cream every Sunday.

Reared in the stylish sea-coast town of Elizabeth City, Cousin Betty had that dash which smaller towns lack. And she was sharp as a whip, and good company. Her conversation sparkled, despite a certain flattery and cajolery in which she would sometimes indulge.

"Oh, Aunt Martha," she would lisp, touching Mother's

cheek, or the tip of her nose, with beautiful lips, "I just could not live without you."

And then Mother and plain-spoken Aunt Edward Webb would meet and compare notes on their dear in-law, Betty Winston. "Yes," Aunt Edward would dryly remark. "Yes, Betty is a superior woman, no doubt about that. But it takes too many people to keep her alive!"

Unfortunately Cousin Betty had no boys to make judges and governors of. And, in those days, girls didn't count.

Mother had three Watson aunts, all good housekeepers. Aunt Edward who married Lorenzo Webb, banker, and senior warden of St. Thomas' church; Prudence, wife of Jonathan Tayloe, planter and beloved Baptist deacon; and Betsy, who married a noted Baptist minister, William Hill Jordan, half-brother to another famous pulpit orator, Abram Poindexter, one of the greatest rousticators that ever thundered from a pulpit. When Abram Poindexter died, the Baptist people were disconsolate. And the State Convention mourned his death. They issued a Macedonian cry to the Lord to come and hasten the kingdom. "Oh, Lord," one of the brethren prayed, "we are but broken reeds, shaken by the wind. We need a messenger from on high. O Lord, send down a heavenly messenger, send David, send Gabriel, and if they're too busy, O Lord, send Abram Poindexter!"

Like Jacob of old, Uncle Jordan was a mighty hand to wrestle with the angel in prayer. From sunrise to sunset, on New Year's Day, he would collect his family, and all who were in the household, in the parlor, and pray and read the Bible without ceasing. The New Year must be started off right.

Once Mother, accompanied by a young man named Devin, since father of a distinguished judge, attended a baptizing in Tar River, under the supervision of Uncle Jordan, such occasions drawing together thousands of people who would line the banks of the stream and climb the trees for a coign of

vantage. Uncle Jordan, holding the candidate for immersion by one hand and a long staff by the other, slowly waded out into the stream, sounding its depths and feeling his way, till he got in water so deep that nothing but hair and whiskers were visible. Then he halted and drove the staff in the bottom of the stream and took the penitent with both his hands, saying, "I baptize thee, my sister, in the name of the Father, the Son and the Holy Ghost." Suiting the action to the word he immersed the penitent in the flowing stream. Dripping and shouting, "Glory, Glory, Glory to God," the overjoyous woman floundered to the shore, as friends rushed in to embrace her, and a thousand voices sang, "Washed in the Blood of the Lamb"—woods and hills ringing with the soul-stirring words, and the more overwrought declaring a dove had come down from heaven and lit on the penitent's head.

On such occasions my uncle did not fail to impress all present with his favorite doctrine, that baptism was not for infants. "Our pedo-Baptist friends," he would say, standing in water up to his neck, and waiting for the next convert, "insist that infant baptism is permissible because the Bible does not condemn it. That is so, my friends, the Bible does not condemn infant baptism, but neither does it condemn the baptism of a mule." And down into the water would go another penitent. It seems incredible that a man of my uncle's refinement and wealth should have been so illogical and rough. But it must not be forgotten that those were rough times and religious zeal often consumed one.

One of the most original sermons of those days was preached by a Hard-Shell Baptist named Allen—the only sermon, or sarmont as the old man called it, he had. No matter what his text might be the old brother would come around to the Parable of the Prodigal Son. He might start off with the Potter and his clay, but soon would stop and say, "And now, my brethren, ah, hence, ah." And then he would proceed to recite the Parable of the Prodigal Son, who ran

away from his father's house and lived among the swine and was fain to fill his belly with husks, but finally came back and was made welcome. And then with many an "ah" and "brethren, ah," the old preacher warmed to the subject in hand.

"And that thar foolish boy, ah, what left his father's house, ah, he wandered off to a fur country, ah, and fell amongst wicked women, ah, and just here, my brethren, ah, I would say, ah, that thar ain't nothing wickeder nor a wicked woman, ah. And then that Prodigal, ah, he fell lower and lower, ah, like unto a turkey buzzard asailing up yonder in the sky, ah, and alooking down for carrion, ah. And then, 'Ker flop,' ah, he drapped twell he hit the bottom, ah, as we all must do, ah, before we can come back home, ah. And then he sont word to his father, ah, he was tired of eating them husks, ah, and wanted to come back home, and what did that old father do, ah, but send him word to come on, ah, and then he went out in the stables, ah, where the livestock was stalled, ah, and he killed the fatted calf, ah, and, my brethren, let me tell you something, ah, that thar was a calf what was a calf, ah, none of your penny ryal breed, ah, sich as you have over on this side of Tair River, ah!"

Of all the homes of our kinspeople Uncle Tayloe's was most enjoyable, it being simple and close to nature. The plantation was about two miles from town and the big ramshackle old dwelling set away back from the road, in a grove of elm and water-oak. It reminded one indeed of Osbaldistone Hall in *Rob Roy*. Floors and walls littered up with firearms, fishing tackle, fishing poles, saddles, and harness. The porches groaning with watermelons, pumpkins, sweet potatoes, pea vines, and shocks of corn. In the lot, sleek horses and grunting sows, with scores of speckled pigs, strutting gobblers and loud screeching peafowls and droves of chickens. And above all, our incorrigible, and therefore delightful, Cousin Wat, a child of nature, who knew every

fishing hole, every deer stand, every fox's den in the neighborhood.

Some morning long before day, Cousin Wat would wake me, and he and I would go fishing out to Rice's mill pond, a few miles away—the head waters of the Cashie River. By breakfast time the bottom of our canoe would be fluttering with fish, fat yellow bellies, delicious red breasts—called robins—and goggle eyes, and now and then an immense chub—all caught by my skillful cousin and not a one by me. But presently, at the breakfast table, my generous cousin would please me no little as he pointed to a five-pound chub, sizzling in the platter, and said, without a smile, "This little fellow was Bob's catch."

So easygoing and unorthodox was our Cousin Watson that Uncle Tayloe almost despaired of him and Uncle Jordan made him an object of prayer. "O Lord," he would pray, "hear the earnest petition of Thy humble servant and if it be possible, save poor sinful Watson." Now, after a while the incorrigible Wat took unto himself a wife, when Uncle Jordan ceased to pray for poor sinful Watson—exactly why no one knew, our Jordan cousins insisting that our kinsman was past redemption, but Mother, more charitable, maintaining that his wife would take the place of the Lord. And so it proved. In a short while Cousin Wat straightened up and reared a worthy family, one of whom laid down his life on Flanders Field.

Uncle Tayloe had a daughter, Betty, and a son, David, who married another Betty, and to distinguish between the two we called one "Cousin Betty" and the other "Cousin Betty Dave." Cousin Betty Dave was an impressive woman, having presence and atmosphere. The Dave Tayloes lived on Uncle's plantation. Their servants were out of the ordinary in being able to read and write. One of them, the housemaid, was a real prodigy in music. The name of this child was Cymbry. She was straight, erect, and copper-

colored, and had flowing black hair and deep, far-away, oriental eyes. She was likewise quickwitted and fun-loving. But for these qualities she might have passed for an Indian girl. After hearing any of the popular music of the day, Cymbry could catch the tune and play it by ear. It was a great pleasure to go over to Cousin Dave's and hear Cymbry render "Molly Darling," "The Mocking Bird," "Juanita," Tom Moore's "Love Song," "Ben Bolt," and other popular music. Cymbry had never taken a lesson in music and must have absorbed it from her mistress, an accomplished pianist.

This phenomenon—Cymbry's innate knowledge of music—reminds me of another remarkable occurrence in our own household. My sister was born with holes already through her ears, in the proper place for stringing ear-bobs! Mother availed herself of nature's kindness and, without the use of a needle, strung the old family rings in the little one's ears. Believe it or not!

When Cousin Betty would visit us she spent a month or more, and, on departing, left us disconsolate. Though an old maid she was full of romance and could relate such gruesome tales as made one's hair stand on end. She told one story about a cousin of ours who drove from his farm up to Windsor and got very drunk. On the way home his horse took fright and ran away. The poor fellow tumbled out of the gig, tangled his clothing in the wheels, and was dragged a great distance over rough roads. When the runaway team reached the old homestead it presented a sad spectacle. The young man was beaten to a pulp. Now this tragedy had been foreseen, in a dream, by the dead boy's mother. Several months before, she had dreamed she was in a far country and was looking down a deep well and in the bottom of this well she could discern a bloody corpse. It proved to be her own son.

As Cousin Betty finished this story I was so much fussed

that I made a very inappropriate observation. Said I, "Cousin Betty, how old are you, anyhow?"

"Robert," she tartly replied, "you mustn't be so inquisitive."

Though I did not understand what inquisitive meant, my feelings were hurt. I must indeed have been a very thin-skinned youngster. In the spring of 1868, Father and Mother left me at Uncle Webb's to attend school, and went down to the fishery. It so happened that my teacher was then living at Uncle's, and one day, at the table, he asked me if I was going to Cousin Mary's school next year. "No, sir," I innocently replied. "Pa says no woman can teach a boy!" A death-like silence fell on the company and Cousin Mary left the table. Chagrined and mortified, I, too, quit the room and went out on the porch, alone, watching the raindrops as they fell. Presently Cousin Betty, teacher's sister, followed and tried to console me by changing the subject.

"Robert," she said, pointing to the falling raindrops, "do you know why we say 'as silly as a goose'?" A remark all but finishing me. I thought Cousin Betty was referring to the mistake I had made and classing me with the geese. But, as I looked to the place she was pointing, I saw a well-grown gosling with its mouth wide open, standing under the drain-spout and, goose-like, drowning itself.



### CHAPTER III

## “GOOD MORNING TO THE KING OF THE KU KLUX”

FROM the downfall of the Confederacy to the inauguration of Military Reconstruction, nearly two years, the South recuperated beyond expectation. Crops were good, prices satisfactory and local affairs under white control. The Negro had not yet received the ballot, and though troops were retained in the South, no great amount of friction resulted. The President had appointed humane and competent military governors, as a rule, and was doing all in his power to protect the late Confederate States in their constitutional rights.

Until recent years, I would say President Andrew Johnson was a misunderstood man. Though born a poor white he was esteemed by conservatives of Father's type and honored by his native state, whose University invested him with the title, Doctor of Laws. On that occasion Brother Patrick graduated and, when he had delivered a patriotic valedictory, was presented by the President with a gold watch and chain. There was still another tie that bound our family to Andrew Johnson. In 1868 he appointed Brother George to the Naval Academy as midshipman from the state at large. Furthermore he was granting pardons, without stint, to deserving Confederates.

My brother-in-law, Judge A. W. Graham, youngest son of the Secretary of the Navy under Fillmore, told an interesting story of how his father's disabilities were removed. In the winter of 1865 Governor Graham, an Old Line Whig on the ticket with Scott for Vice-President, arrived in Washington to take his seat as the newly-elected senator from the

lately rebellious state of North Carolina. The Governor was met at the station by Secretary Seward and entertained by him. No doubt the two old Whigs had much to talk about, since they had last seen each other five years before. At all events, the Senator-elect informed the Secretary that he was disqualified to hold office, as his disabilities had not been removed. Seward put himself in communication with the President and obtained the necessary pardon. Next morning, at the breakfast table, the guest was agreeably surprised to find the document in the folds of his napkin.

Now, during this era of partial good feeling, those secessionists who had brought on the war were held in aversion. Nor was the Democratic party in less disesteem. Long after the Whig party dissolved I heard Mother declare that she was born a Whig and would die a Whig. Proudly she had met Mr. Clay in 1845, she a slip of a girl, and the distinguished visitor a candidate for President on a triumphant journey to Raleigh. At Henderson, near his destination, the train stopped a few moments, while thousands of enthusiastic Whigs waved their hats and cheered. Mother, clothed in garments of native manufacture, approached the cars and presented the patron of home industries a silk vest, woven from local cocoons, symbolizing progress and prosperity, which home factories alone could bring about and for which the grand old Whig party stood!

Nor was love of Henry Clay confined to Mother and her people—it wholly possessed Father. When a young man he had quit the law school at Chapel Hill and gone to Washington, ostensibly to perfect himself in his profession, but really to sit at the feet of those Americans of Americans, Webster and Clay, Everett and Willie P. Mangum. On the walls of our old home at Windsor, even at this day, one may see portraits of Clay and Webster, upon which my young eyes rested long before I knew their significance.

Now I must protest that the Whigs were mistaken in

branding all of their Democratic opponents as disunionists. Undoubtedly, many in the Far South were original secessionists, but in the Border States the contrary was true. As early as 1850, Rhett of South Carolina, Yancey of Alabama, and Jefferson Davis of Mississippi favored secession, and in 1860 regarded a separation not only as necessary but a duty in the event of Lincoln's election. The Whig Convention of 1860 was attended by Father and his life-long friend, afterwards Governor, that sturdy, long-headed old Quaker, Jonathan Worth. This convention undoubtedly stuck its colter in rather deep, proclaiming that the Democratic party was a traitor, conspiring to bring on war and break up the Union.

In my case, however, whether the Whigs were right or wrong makes little difference. The point is, I was brought up to conclude, with Jonathan Worth, that the fire-eaters of the South and the fanatics of the North were guilty of the most wicked, and the most useless war ever waged. In truth, just as soon as hostilities ended, North Carolina, as I can bear witness, was thoroughly reconstructed and original secessionists dared not raise their heads. The desolation that had followed the acceptance of their war-like councils was their undoing. It was remembered that in 1861 Congressman Venable, of Oxford, had guaranteed a peaceful secession. On a dozen stumps he made this boast. He would draw a silk handkerchief from his pocket and dramatically wave it over the deluded crowds, exclaiming, “I will wipe up every drop of blood shed in the war with this handkerchief of mine.”

During the two years I am now describing, so bitter was the feeling toward the Democratic party that it changed its name and became the Conservative party. But not even this change could entice dyed-in-the-wool Unionists to affiliate with the legatee of the lately deceased secession Democracy. Father's old friend and neighbor, Andrew Craig, a Baptist preacher of force and independence, and the father of Governor Locke Craig, became an out-and-out Republican.

When Brother Patrick ran as a Democratic candidate for the legislature, a Whig kinsman, who had lost many slaves, and nearly everything else by the war, refused to vote for him. "Vote for Pat Winston," he sneered. "Vote for a Democrat! Why, I wouldn't vote for a Democrat to tote guts to a bear!" Lewis Thompson, whose family and ours were most intimate, never became a Democrat.

A man of means and soundness of judgment, Mr. Thompson had often served in the general assembly and directed the affairs of the Whig party. He refused to right-about-face. How then did the Democratic party come to life again and how did the reign of the Brigadiers, as Walter Page termed it, begin? Furthermore, how did it happen that the white Republican party in the South died aborning? Undoubtedly, as I have said, the folly of Northern radicals produced this result. Such well-known extremists as Thad Stevens, Charles Sumner and Ben Wade wrecked the white Republican party and gave the old secession Democracy its opportunity. They took the ballot from the master and entrusted it to the slave. They put the bottom rail on top, one of the darkest tragedies in all history.

Now Father, having foreseen this and anticipated the evil day, refused to follow his friend Thompson into the Republican party. And yet to become a Democrat was a bitter dose. How could he put off the constructive principles of Washington, and Patrick Henry his kinsman, and of those beloved Whigs, Clay, Graham, and Badger, and put on the trappings of the mob? How could a Whig become a Democrat? Alas, necessity knows no law. It was the choice of evils and Father chose the lesser one. The heel of the despot was on the brow of his state. A common danger drew the whites together.

How fresh in my memory is the year 1868, when negroes of all ages and all degrees of ignorance took possession of Bertie County, did the voting, filled the offices, and spread

dismay, egged on by unscrupulous whites and protected by the Freedmen's Bureau. One of our slaves haled Father before the commanding officer of the Bureau upon a complaint that wages had not been paid him. This poor fellow had lived on Father's farm, with his wife and several small children, was supplied with a house and fire-wood free, and had been given the small crop he made. Not only was the case dismissed but the colored man was cautioned against preferring another false charge.

It has been said that the Negro does not desire the ballot. A close observation of him, when he had it, leads me to doubt this conclusion. I would say that the Negro, when clothed with citizenship, loved the ballot as much as a funeral or a revival. In the late sixties and early seventies, I saw negroes crowd around the polls and shut out the whites. At sunset when the polls were closed a large number of whites had been unable to vote because they could not press through the black mass and reach the ballot box. Bertie was a black county, in the Black Belt, and had more blacks than whites. In these circumstances chaos followed.

On election day in 1868, I had been permitted to leave home and go through the streets of Windsor to my uncle, Lorenzo Webb's. I might spend the day and see the sights, Mother had agreed. But I must, under no circumstances, venture out of the house. On my breast I had proudly pinned a Seymour and Blair badge. How well do I recall that little emblem, with its pictures of Horatio Seymour and Frank P. Blair, our standard bearers for President and Vice-President, our champions of civil liberty. As I came through town I saw the United States flag floating to the breeze. The Old Flag had been appropriated as the Republican emblem. My heart burnt within me and I became a shouting young Democrat.

Thousands of negroes surrounded Sheriff Bell's bar-room, Bell a carpet-bagger, an Englishman and a typical, pug-nosed

leader. Negro women crouched on the side-walk to spur on their menfolk. From my retreat, within the latticed porch at my uncle's, I witnessed the parade, a motley procession led by carpet-baggers and native scalawags, its rank and file the newly liberated slaves. Buck and Slade went swinging along, dancing and stepping high. A brass band gave forth wretched music as savage shouts tore the air. Unearthly guffawing and wild cheering for General Grant and de 'Publi-can party were incessant.

Next morning the news came that Seymour and Blair were defeated and the Radicals had won. The black people were then thrown into a frenzy of delight. Lodges, fraternal orders and leagues flourished. Fantastic rituals and ceremonials were brought forth, secret oaths were taken. The Negro race was welded together against their old masters. Wild notions of equality were taught. Every family should be provided with a mule and forty acres, to be selected from the most desirable lands in the county. Many negroes actually staked off their holdings with wooden pegs.

Meanwhile the town of Windsor was terrorized. The whites were too close to the war to organize or offer resistance. But presently as we shall see, retribution came swift and terrible. The whites armed and determined that their civilization should not be submerged by the blacks. The Ku Klux Klan came into existence and violence was overcome by violence. Terror-stricken carpet-baggers fled to the North, white scalawags slunk back into obscurity and the Negro returned to the plow and the kitchen.

The leader in this counter-revolution I knew well. Josiah Turner, editor of the Raleigh *Sentinel*, was an old Union Whig and an inveterate enemy of all secessionists. Yet he was now standing shoulder to shoulder with them. Certainly Danton was no more spectacular or fearless than this tribune of the people, an adept at ridicule, day in and day out, tagging the enemies of his state with imperishable epithets of

infamy. His printing press and office were burned, he himself shot at, arrested, cast in jail, yet he never flinched. The stormy petrel of politics, when his deep-toned voice was heard and his prophecy of vengeance to come, his enemies trembled.

It was at this critical hour that Turner came down to address the people of Bertie and was our guest at Windsor Castle, occupying the apartments known as the Judge's rooms. Next morning at breakfast I beheld a man I can never forget. Of revolutionary proportions, with a forehead not unlike some cathedral dome, eyes deep set, a cavernous mouth and a voice that carried conviction, Josiah Turner's presence was masterful. Entering the dining room he greeted Mother with a stately bow and then, in broad Scotch accent, said to my little curly-headed, three-year-old sister, "Good morning to the queen of the household." In a flash Mother prompted the reply, "Good morning to the king of the Ku Klux!"

If my recollection of those stormy days leaves the impression that the Negro race was vindictive or resentful the idea should be erased. The Negro, when left alone, was kind and companionable. Though he had lately been a savage and frequently a cannibal he was not brutal nor did he harbor any grudge or cherish malice. Superstitious, emotional, musical, a mere imitator, the Negro was, nevertheless, a good servant and the friend of the white man. If I should subscribe to the notion that a monument is due to the faithful slaves, I should insist upon a greater monument to the Southern white woman whose labors, as mistress of the old plantation, raised four million human beings from the depths of savagery to a place as citizens of the republic.

Just here I will say there was never a day, after our slaves were set free, that my parents wished them back in servitude. The master's responsibility was too great. Caring for a hundred human beings bore too heavily. Our plantation was a

vast empire, a sanatorium in fact. It had many departments: weaving, carding, spinning, a blacksmith shop, a wheelwright establishment, a mill for grinding corn. Two hundred feet must be shod and a hundred mouths fed—a stupendous task. But, somehow it was accomplished. During the war, and when the weather was warm, the slaves and the white children went barefoot, and, in cold weather, we wore wooden-bottom shoes whose soles were of wood and uppers of squirrel skins.

One responsibility resting upon my parents was frightful. I refer to the care of the aged, the infirm, the deformed, the cripple and, most of all, the insane. These afflicted ones had no public institution to shelter them. Their protection devolved upon their masters. The story of poor old Uncle Ben, a deep-water Baptist, will illustrate the point. This ignorant slave was strangely familiar with the Bible and his favorite topic was the fall of Jericho, when Joshua blew the ram's horn and the walls fell. In old age and decrepitude, Uncle Ben imagined he was Joshua. With hands to his mouth, he would walk around the Great House, mumbling to himself and blowing his imaginary horn. One of the old man's songs so terrified Sue and Lunsay and me that we would run and hide behind the tall hedge. In a weird, unearthly tone Uncle Ben would croon these words, lengthening out the last one in each line,

Oh! I looked to de E-a-s-t

An' I looked to de W-e-s-t

An' I thought hit was judgment D-a-y

Oh! sinner-man you better had prayed dat D-a-y.

The loyalty of the freedmen to the Republican party is, in my opinion, greatly to their credit. Though Father was a kind master I did not blame his slaves for voting with the Republicans. And this they did to a man. Buck and Slade and George Pruden and Washington and even Sid Stone,



husband of Lucy, our housegirl, part and parcel of us, as we have seen, these and all our other slaves were unswerving in their Republican allegiance. They had been taught, and correctly, that the campaigns of '56 and '60 were fought on the issue of the non-extension of slavery and President Lincoln had signed the document to set them free—whether to save the Union or for humanitarian reasons they did not care.

And yet Lincoln's Emancipation Proclamation, and the three amendments, which undertook to make the slaves the equals of their masters, were momentous in history. Thereby an issue was raised that has not yet been settled. The Negro problem, indeed, has given me more concern than all other matters affecting my native land. At Skibo, in Scotland, Andrew Carnegie and John Morley were once discussing this grave question, when Morley said, “Of all the problems that ever confronted a people, I consider that of the American Negro the most perplexing.”

## CHAPTER IV

### WINDSOR CASTLE

BEYOND doubt, my life has been greatly influenced by Civil War memories. Yet heredity must be taken into account. Daily I thank my stars that so true a man as Father married so gentle a woman as Mother. From this union there arose a home, liberal and wholesome. Mother's people were English and Scotch. One of her ancestors served in the Colonial Congress. Another made the first gift of glebe land to the Established Church, at the historic town of Edenton. Her father's father, a native of Edinburgh, came over with his half-brother, William McGloughorn, and settled off our coast. These were gentle folk, not overly ambitious, and, after the manner of their kinspeople, the Watsons, Capeharts, and Masons, imbued with tidewater hospitality.

Father's people, of an up-the-country stock, were more fibrous. Captain Isaac Winston, of the Alabama branch, has made a card index of the family. This chart, in the Virginia Historical Society rooms at Richmond, shows that William Winston was the first of the name to land in America. He settled in St. Paul's Parish, on the James. The immigrant had a son, Anthony, who was father to four stalwart boys, William, Isaac, James and Anthony. From the first Anthony many notable people descended: Patrick Henry, of Revolutionary fame; John Anthony Winston, war governor of Alabama; and Major Joseph Winston, who commanded the right wing of our army at King's Mountain. To these names I would add Father's.

From William, the immigrant, to the present generation a

family likeness is discoverable. If we should select Patrick Henry, the orator, whose mother was a Winston, as a type, we would find traits characteristic of his mother's family, imagery, nervous energy and moving eloquence—traits predominating in Father. Now, in mentioning my parent in the same breath with his great kinsmen, I may be charged with partiality, a common fault when a son speaks of one so near to him. It may be asked, what did my father accomplish, did he hold high office or accumulate wealth or champion a great cause? The answer must be, "No, he did none of these things." Yet he was greater, I conclude, than many of the so-called great. He conquered himself and was therefore greater than he who taketh a city.

In former days it was customary in the South to designate a prominent man by the county in which he lived. In North Carolina we spoke of Kitchin of Halifax, Manning of Chatham, Todd of Ashe, Doughton of Alleghany. Hence Father, away from home and in print, was Patrick Henry Winston, Jr., of Bertie, the Junior distinguishing him from a learned kinsman in the hill country. But at home, and in Eastern Carolina, he bore a more affectionate title. From the head waters of the Albemarle to the sand dunes of Kill Devil hills, where the Wrights taught mankind to fly, Father was known as Old Man Pat. Young and old delighted in imitating his oddities and strove to reproduce his funny stories and clothe them in his droll, unexpected figures of speech.

Father was not a native of Bertie. When his great-grandfather, Anthony, moved from Virginia he settled in Franklin County. There, a few miles from Springfield, Father was born and reared. Chance drew him to Bertie. He was chosen to conduct the Oak Grove Academy near Windsor. Among his pupils was Martha Byrd, whom he married five years later. At that time Windsor was a flourishing little town, situated on the deep, sluggish, amber-colored Cashie at the head waters of navigation, the center of important

trade in tar, pitch and turpentine. Shingles riven from juniper and cypress and staves made of oak were bought and sold by the millions. Cotton was the money crop. So extensive was the trade of Windsor that Ezra Cornell, founder of Cornell University, often visited the place, exchanging the contents of his schooner for naval stores.

But Windsor's attractions consisted of more than commodities. The section lying between the Chowan and Roanoke Rivers was rich in memories and in family traditions.

In the Sound section were the Capeharts, who had owned hundreds of slaves and still possessed thousands of acres, besides the great Capehart fishery, that once at a single haul landed a million herrings, the world's record. Bill Capehart's race horses were well known at Saratoga and Cape May. The Capehart homes were open as day to melting charity. Scotch Hall, Avoca and Elmwood were their names.

Now I would not imply that a Bertie home could compete, in architectural beauty, with the mansions of Tidewater Virginia, or of Natchez, Mississippi, or of Charleston, South Carolina. But, to my simple mind, our houses were more sensible and more pleasant. Such a home was bright and airy. No dank undergrowth encircled it. No stagnant pool filled the air with mosquitoes and malaria. Usually the dwelling stood several feet above the ground, and sunshine and winds circulated, sweetening it from turret to foundation. At least such was Windsor Castle, our old home, situated on an eminence overlooking the town and some three-quarters of a mile from the Cashie.

This hundred-acre tract Father had bought and built on about the year 1856. A fort of logs had stood in the center; this fort was torn away and our present house erected. The dwelling, of conventional colonial architecture, was white, except the blinds, which were green; was square-shaped, with four spacious, high-vaulted rooms below and four above. An ample hallway stretched from front to rear, and there were

fireplaces in every room. The dwelling stood in the center of a five-acre enclosure, and set about it were mimosas, cape jessamines and hollys, red with berries. Great spreading elms and water-oaks furnished a grateful shade. Windsor Castle's interior was not elaborate. There were few antiques. Turkish rugs and curiously shaped bric-a-brac were lacking. But books were everywhere: on the shelves, in the chairs and upon the floor. Father's money had gone into books and into the education of his children.

Father was the loving head of the household and everyone did him homage. At night when he would come home, he would find everything just so. A sputtering, cracking, pine-knot fire, a hearth as clean as Cousin Sarah Battle's, a pair of warm socks, manufactured by Mother's flying needles, with the initials "P. H. W." deftly knit in the shank, comfortable slippers, and three or four sperm candles shedding a steady, mellow light. Though kerosene lamps had come into use and were cheaper than candles, they were never seen in Windsor Castle. No picture dwells more fondly in the chambers of memory than my recollection of Father, on a cold, wintry night, seated at his cozy table, surrounded by four or five candles in curiously shaped sticks, and reading Scott or Irving, as Mother would softly enter and place a loving hand on his forehead and press her lips to his brow.

A distance of ten honest steps separated the dwelling from the kitchen—the odor of cooking was not tolerated. Near by were the smokehouse and the stables, the former filled with meat and fish cured by smoke from hickory coals. From the curtilage one entered the garden, rich in the perfume of thyme, sweet betsies and honeysuckle. Raspberries, artichokes, and melons abounded, and, in season, maypops, pecans and hazelnuts. Hid away back in the further corner of the garden, a hundred yards or more from the dwelling, was the garden house—that mysterious institution, concealed

among the bamboo and immortalized by James Whitcomb Riley.

How fresh and open was our old home! There was neither malaria nor bilious fever nor that dread malady, yellow chills, which often afflicted less careful homes. Mother and her wonderful housekeeper, Miss Lennie, so immaculately clean that she washed her hands every hour of the day, had brought these conditions about.

Such were the simple surroundings of my parents when horrid war burst upon us and swept away everything. And yet Father was not cast down. Though he bled inwardly, he uttered no complaint. He kept his children at school, operated farms and fisheries and entered upon the practice of his profession with renewed diligence and success.

At that time the lawyers of the East were noted for skill and ability. Many of them I knew. Chief Justice Smith, who came within a few votes of being Speaker of the National House; Louis Latham, member of Congress; and Judge George Brown, called Magnus Brown, great Brown, when at school. But no one of these leaders excelled Henry Gilliam. Shrewd, resourceful, and debonair, with a round, bald head, bisected with swollen veins, not unlike Mohammed's, Judge Gilliam was the terror of all opponents.

Now he and Father were well known to each other, being rivals in a dozen counties. And, at a certain term of Chowan court, Father, having been called away on business, entrusted a case to his friend John Moore, explaining that he would have no difficulty as there was a complete brief of facts and law in the papers. Before the case was reached, Moore opened the file and possessed himself of the important document. It read somewhat like this, "John: If Henry Gilliam offers you a compromise, reject it; if you offer him one and he accepts, withdraw at once."

Another story of Father was current, but strictly in the family. Mother, solicitous about a relative of her, of colonial

descent but now besotted and seedy, inquired of Father if he had seen the poor fellow.

"Indeed I have," Father replied. "In fact, I saw him on the streets today."

"Oh, honey, I am so glad. And how did he look?"

"Well, Mammy, I'd say he looked like a small-sized whiskey jug with the handle broke off!"

Despite this habit of using homely figures of speech, Father was a man of dignity. No one dared take liberties with him. Pride of birth, I would say, was his passion, perhaps his fault. The propensity of overrating those intellectuals who had attained the heights sometimes provoked a smile. Certainly, with my humor-loving brothers. When Father purchased "Cufnells," for the sentimental reason that it had belonged to the late James Iredell, a Justice of the Supreme Court of the United States—Cufnells being a poor plantation infested by negroes, or Cuffees—Brother Pat laughed and suggested that the name was not Cufnells at all but Cuffeenells!

Emerson once said of Thoreau that he would as soon offer to walk, arm in arm, with an elm tree as with the sage of Walden Pond. So, I am sure, everyone felt towards Father. He had no intimates. Moreover, he was practical and had a lot of saving common sense. Yet again he was an idealist and lived among the stars. Such a man had a steadfast faith. Life he considered purposeful. A self-made universe he could not conceive of. Of necessity, there must be a God, a first cause. When Darwin's theory of evolution was sweeping America Father was amused. He would take out pencil and paper and write a practical question like this, "Does evolution imply that my great-great-grandfather, away back yonder, say a million degrees removed, was a fish?"

One Sunday afternoon, it being a half holiday, for the servants, Brother George, just fresh from Cornell and John Fiske's lectures on evolution, was enlightening Father on that subject, and was in the depths of Herbert Spencer's

theory of the development of man from matter by passing from an indefinite, incoherent homogeneity, to a definite, coherent heterogeneity, when he ceased speaking to get Father's reaction. The old gentleman, disturbed by the silence, roused himself, and, raising his massive head, said, "George, have you fed those mules?"

Now this reply was not a cheap display of abruptness. Father's common sense assured him that the finite cannot comprehend the infinite—by searching no one can find out God. Yet he was not narrow nor was he a bigot. He delighted in science, and was a student of astronomy and of the ups and downs of mankind. Moreover, he was desirous that his children should be cultured, go to the bottom of a subject and follow an honest thought wheresoever it might lead. He had a well-selected library, and was a good critic. In the world of letters his standards were the highest. Like the scholars of his day, he knew his Shakespeare and his Scott. The Bible he reveled in, not so much for its theology as its knowledge of human nature, its revealingness, its matchless style. With Webster, he concluded that the Sermon on the Mount was a good enough creed for any church.

Shakespeare's *Henry IV* he could repeat almost word for word, and as for sweet Jack Falstaff, kind Jack Falstaff, true Jack Falstaff, valiant Jack Falstaff and plump Jack Falstaff, should you banish him you would banish all the world! Scott's *Ivanhoe* and *Talisman* had a fascination for him. He delighted in intellectual audacity and in the clash and paradox which characterize all great literature. The mailed knights of the tourney, over against Lady Rowena and the plastic Rebecca, the magnanimous Saladin, with his delicate rapier, contending with Kenneth of Scotland and his broadsword—these contrasts greatly delighted Father. And this knowledge of the masters he did not hide under a bushel—it was ever at the disposal of his family. If he found one of us immersed in *Ivanhoe* or *Lear* he would quietly approach and stimulate



us, but let him catch sight of some mushy, silly story in our hands, and he would sadly walk away leaving us lonely and forgotten, nor would he deign to be our companion again for many days.

The summer of 1869 was memorable in my life. The war was barely over, and for nine long years Windsor—remote from any railroad and shut out from the affairs of men—had been eager for news of the outside world. Therefore, when it was noised abroad that Pat Winston, from Baltimore, and George Winston, from the Naval Academy, had arrived at the Castle, Windsor and Bertie County were agog. The old home had been put in order for the occasion and the doors were thrown wide open for friends and neighbors. And in they came, from the Sound to Woodville, from the Indian Woods to Colerain. Many of them spent a week and enjoyed Miss Lennie's Lady Baltimore cake and well-cured ham, and rolls called Beauregards—why, I have never known.

Glasses and decanters having been passed around, dinner would be served at two o'clock and continue for two hours or more. Then the ladies would repair to the parlor and the men gather under the tall sycamore, where the shade was coolest and the grass greenest, and chairs and lounges awaited them, and huge bearskins had been spread. Perhaps Brother Pat would take off Edwin Booth as Hamlet; or, in tragic notes, tell how Salvini was playing Othello in a Baltimore playhouse. "By God, sirs," he would roar, "you should see Salvini in *Othello*. Nothing conventional, no stabbing in the breast." Then the youthful tragedian, tense with the recollection of Salvini, would whisper the last words of the unhappy Moor, as he went to his death.

Soft you a word or two before you go,  
I have done the State some service and they know it.  
Set you down this  
And say besides that in Aleppo once

Where a malignant and turbaned Turk  
Beat a Venetian and traduced the State  
I took by the throat their cursed dog  
And smote him thus.

And, then, sweeping his clenched fist across his goozle Brother Pat—Salvini-like—would sever the jugular vein!

“How about that political speech of yours in Baltimore, Pat?” Mr. James Bond would slyly ask.

“Yes, tell us about it, Pat,” Captain Ned Outlaw would urge.

Brother Pat, appearing reluctant to comply, would shake his head and deny the soft impeachment. Whereupon, amidst much protesting by the victim and chuckling by everyone else, Captain Outlaw would say, “Well now, Pat, this is the way we heard the story down here. It seems that an open-air rally was on one night in Baltimore, with mighty poor speaking, and then you circulated through the crowd and said, ‘Boys, call for Pat Winston—a damned little bald-headed Irishman, he’ll wake things up!’ And sure enough, the crowd yelled, ‘Winston, Winston, Pat Winston!’ And up you got and, after thanking the audience for the wholly unexpected call, started in on a red-hot Democratic speech, when some fellow yelled out, ‘Why, that’s the same damn fellow who told us to call for Pat Winston!’”

After the laughter had subsided, Father would inquire about Reverdy Johnson—late ambassador to the Court of St. James—the senator who had asked General Sherman the one question which acquitted President Johnson. Thereupon, Brother Pat would tell how completely Reverdy Johnson dominated the Bar of Maryland. “Just the other day Mr. Johnson addressed a United States Court for two hours, and scarcely mentioned the case in hand. He told about Queen Victoria’s court and Prime Minister Palmerston and English customs and manners and the prospects of a war with Eng-

land growing out of the Alabama claims, but never a word about his case. Of course he won, he always does."

Before the jovial crowd broke up Brother George narrated his experiences when gaining admission to the Naval Academy. By chance, he and a son of Hedrick, teacher at the University of North Carolina who had been dismissed for voting for Frémont for President, applied to Johnson for appointment to the Academy. The President received the youngsters kindly and wrote notes to the bushy-bearded old Connecticut deacon, as Governor Andrew called Gideon Welles, Secretary of the Navy. Young Hedrick, though a brilliant fellow, was rejected because of physical disability. "The night of my acceptance was a happy one," Brother related. "And we celebrated in fine style. Brother Pat came over from Baltimore and he and I and the Hedricks went to the theater—my first opera, *The Bohemian Girl*, played by a crack English Company." And then, in a voice, not unmusical, he sang a line, so well-known, "I dreamt that I dwelt in marble halls." From that day to this I never hear *The Bohemian Girl* without thinking of my brother's joyous visit.

And yet at that time I was an insignificant part of our household, Brothers Pat and George being the bright particular stars. Nothing much was expected of me; I was the runt, the pig that sucked the hind teat! In truth, Old Aunt Harriet once told me I was born so near dead and so black in the face that every known remedy was resorted to to bring me to life. They threw ice water in my face, blew down my throat and spanked me black and blue. Assuredly I must have resembled little David Copperfield, born with a caul on his head, which his mother, as Dickens declares, sold at the low price of fifteen guineas.

Though Mother was not learned in books she had a deal of common sense. Never would she undertake to argue a matter of religion with her college-bred sons. How could she,

a mid-Victorian, contend with such modern free-thinkers? Yet she bravely held her own. When Brother George would put his arms about her and say, "Now, Mother, you know there is no such place as a fire-and-brimstone hell," she would gravely reply, "Never you mind, George, you just wait and see!" Whereupon, there would be a round of laughter and Brother would insist that Mother would be unhappy without her hell!

When her sons were little fellows Mother sometimes used china rods on their bare legs, but Father never corrected one of us, except Brother Pat. That incorrigible brat, aged ten, seated on his banker pony, was parading down King Street, on one occasion, and riding backward, of course, that is, with his face toward the pony's tail, when Uncle Webb, the sedate, dignified, senior warden of St. Thomas' Church, observed the unusual spectacle and called out, "Hello, Henry, how much for a ride?" "You'll have to walk in and see the conductor," the young scapegrace replied, lifting the pony's tail!

When I think of so pious a woman with so unorthodox a gang, I can enter into the feelings of the old hen that hatched out a brood of ducks and trembled when she saw her little ones, one by one, toddle to the pond and gaily swim away. It was indeed a strange sight, this injection of Father's liberal, free-thinking boys into staid old Bertie, over-religious and fundamental. And yet no people were bolder or more intellectual than some of our neighbors. Not only original thinkers, but men of business ability. Throughout the South, there were far-sighted men, industrialists—organizers of factories—such as Gregg, Morehead, the Holts, and Father. Had these men been unfettered, I am satisfied they would have developed the South into a pattern for the nation.

But before the war slavery was an insuperable barrier, though few people realized it; and after the war, the race question arose and the demagogue flourished. The whites then banded themselves together and created a Solid South—

a mere rubber stamp, endorsing any movement labeled White Supremacy, and reminding one of an anecdote Governor Vance got off before the National Democratic Convention which nominated for President Horace Greeley, the South's severest critic. According to Vance, a mischievous urchin, finding out the number of the hymn to be sung, pasted, in its stead, the well-known lines beginning, "Old Grimes is dead." When the preacher opened the book and stumbled into this ludicrous skit, he cleared his throat, adjusted his glasses, hesitated and stammered, but finally read,

Old Grimes is dead; that good old man  
We never shall see more.  
He used to wear a long black coat  
All buttoned down before—

"Well, brethren," the preacher said, "I didn't know it was in the book but here it is and we'll sing it through." "So," said Vance, "I didn't know Horace Greeley was in our Democratic hymn-book but here he is and we'll sing him through!"

It will be recalled that Greeley, in his *American Conflict*, had likened the Southern states to a worthless French nobleman who, on recovering from a debauch, yawned and beckoned to his servant, as he sipped his whiskey and soda. "Oh, what a failure is my life," he groaned. "What a miserable failure!" "Pardon, monsieur, pardon," protested the valet. "Monsieur forgets, monsieur condescended to be born!"

## CHAPTER V

### THE BERSERKS OF BERTIE

WINDSOR was a quaint little village, its dwellings flush with the streets, its yards and gardens in the rear. The nearest railroad station was sixty long, sandy miles away, and the trip to the capitol at Raleigh consumed a night and two days. So remote was Windsor that no circus had visited the town until eight or ten years after the war. And here I must explain that, in the South, time was always reckoned in terms of the Civil War, everything having taken place either before or after that event. On the occasion in question Robinson's circus was the attraction, and there were the usual contingents of elephants, lions, tigers and zebras, fat women, two-headed babies and rollicking clowns.

The wide-spreading tents were pitched below Uncle Webb's, on the banks of the Cashie and, I dare say, every person not bed-ridden, white or black, whether in Bertie or an adjoining county, had journeyed to Windsor to see his first sure-enough circus. And a jolly, hilarious crowd it was. In the big tent there were two rings filled with racing dogs, performing elephants, educated seals, daring acrobats, and calico-colored horses that were hitched to chariots or ridden by gaudily dressed, or undressed, women who kicked up their padded legs to the scandal of the pious, orthodox portion of the crowd. But as for us small boys, the clowns, painted and bedizened, were our cynosure, the very apple of our eyes. Though seventy years have come and gone I can see one of those clowns as he walked up to old man Tom Heckstall, the solemn-faced, Baptist deacon, quite conscience-smitten at

being caught at a circus, and took him by his long white beard.

"You have stolen my mare," he sternly called out. "Give her here or I'll pull her out!" And as the clown tugged away at the deacon's horse-tail whiskers the good-natured crowd fairly roared.

Alas, at the very height of our fun, while hundreds of Joe Bunkers were on their feet cheering and shouting, the report of a pistol was heard. Then another and another. Instantly confusion reigned. The lions began to roar, the tigers and other wild beasts to lash their cages. The alarmed and mystified crowd rushed for the streets, as the cry went up, "The wild animals have broken loose!"

As our party were fleeing from the tent we saw on the canvas, next to the tiger's cage, blood spots, fresh and smoking, and down beneath the form of a negro, writhing in pain. It soon became known that three negro men had demanded admittance at half price and being refused had attacked the ticket agent and sought to break into the show. One of these had been shot and it was the odor of his blood that had infuriated the wild beasts and broken up our circus. An amusing episode was the appearance of our rector, Reverend Ed Wootten, rushing down from his home with double-barrel shotgun to join in the lion hunt!

But my day was not altogether spoiled. Two circus men, having been arrested for murdering the negro, employed Father, together with all the other lawyers in the county. That night in the courthouse the trial took place before Gus Robins, the negro coroner. In the midst of the examination of witnesses the kerosene lamps went out. The laughing, roaring crowd scampered to the streets. The upshot was that the murderers could not be identified and the prisoners were discharged.

Now in addition to receiving a good fee, Father was also presented with dozens of circus tickets, gaudily printed and

beautiful to look upon. And though John Robinson's circus soon left town, never to return, and the tickets Father gave me were as worthless as was Robinson Crusoe's gold on his lonely island, I was not only the envy of the village but considered myself the possessor of untold wealth, a feeling that swelled my bosom for many a day.

The amusements of those days were rough and primitive, but answered every purpose. During the Christmas holidays Jim Freeman, from the Goggoon Pocotin, would bring in a full-grown raccoon bear and wager ten dollars his beast could lick any two dogs in a fair fight. Seated well back in the gallery of the Thespian Hall, out of the danger zone, Ed Gray, Charlie Gurley and I would watch the combat below. The dogs, yelping and screaming with pain, as bruin slapped them helter-skelter against the rough walls and posts—the bear, snarling, snapping and delivering telling blows, but never complaining. After an hour of breathless sport the bloody dogs would limp away, all fight gone out of them; and the bear, too, would retire to his corner, licking his paws and composing himself. The fight would be declared a draw and no money would pass hands.

If the weather was favorable, the sports would take place out of doors. A wild gobbler would be fastened to a stake, a hundred yards from the shooting gallery, and the public invited, at twenty-five cents a head, to fire a rifle at the tempting prize, the bird to belong to the man who made the fatal shot. But no one ever succeeded in turning the trick. Not only had the fowl been oiled with goose grease by an old woman, half negro, half gypsy, whom everybody feared, but the ground had been loaded with quicksilver, whose magical properties no bullet could overcome—the entire ceremonial suggestive of the witches in Macbeth.

Superstition indeed dominated the lower classes and witch-doctors and gummerers infested the sticks. If one, pursued by an enemy, died suddenly, he was thought to have been



poisoned or gummed. A sure recipe for putting one's enemy out of the way was this: Bore an auger hole in a live-oak tree and fill the hole with a mixture of one egg, a hair, plucked from the tail of a gray mare, and add a handful of the victim's excrement. Plug the hole securely and await results.

I once knew a backwoods preacher whose hogs were dying of cholera. The superstitious fellow, having been told by a witch-doctor there was only one cure, applied the remedy. He caught a brood sow and dressed her in a suit of woollen clothes; he then poured kerosene oil over the garment and struck a match. The poor hog was soon reduced to a crackling. But, after all, was it worse to burn a pig in the swamps of Bertie than to burn a witch on the streets of Salem?

The first dog I owned was a fice, named Ida. A shy, delicate little thing, white as a lock of September cotton and modest as a flower. I came by her in this way. An old cow having died in the hotel lot, near our private school—there were then no public schools—Charlie Shepherd, the bad boy of the town, organized a gang to skin the animal and sell her hide. I was one of Charlie's henchman, and on the first dark night we boys, four in all, Shepherd, Brother Frank, Tom Gurley, and myself—I being the youngest and the most timid—assembled, with torches and butcher knives, whetted to an edge. Despite the execrable odor, the job was soon performed and my share of the proceeds was seventy-five cents, which I invested in my little dog.

As I have said, Shepherd was the bad boy of the village, at least such Mother considered him, as she had formerly his older brother John, many a time using the china rods on Brother Pat for associating with John Shepherd. And yet it was rumored that Mrs. Shepherd, John's mother, had whipped John for associating with Brother Pat as often as Mother had whipped Brother Pat for associating with John! At all events Charlie Shepherd, chief clerk at William Peter

Gurley's general store, was a character. Freckle-faced, bowed in the legs, and undersized, the droll, saucy, imperturbable fellow was a mimic and a wonderful banjo picker.

Windsor and Shepherd seemed made for each other. The entire week, until Saturday, was given over to sports and amusements, Charlie going down the river fishing or sitting in front of the store, picking his banjo. But on Saturday he was busy. From early noon until sunset he would be on his feet, counting the shingles and staves which the country people had brought in to exchange for flour, sugar, molasses and coffee. About four o'clock, of a long hot Saturday afternoon, Charlie would come up from Gurley's shingle lot puffing and mopping his brow. "Well," he'd groan, "these evenings are a mile long. Damn me, if I don't believe God Almighty stops the world every Saturday to grease up!"

Charlie's uncle, Quilly Moore, lived down the Cashie a piece and the old man's nose was so long and his chin so turned up that they greatly amused his nephew. "Have you hearn the news?" he would ask. "No, what news?" "News of the big meeting." "What big meeting?" "Why, hadn't you hearn old man Quilly Moore's nose and chin were gwine to meet?"

Whenever I could escape from Mother I would run down to the Cashie with a gang of boys, led by Shepherd, and we would fight water battles and splash and swim and dive and duck and come up between the bottom of a canoe, which we had turned upside down, and the water beneath, clanging rocks together, our voices sepulchral and our faces like shadows in some underground cavern. Perhaps we would wind up with a watermelon feast or wade through the pocosin, fall in the creek, and get soaking wet. Then I would slip back home through the kitchen, where Lucy, our friend and slave, would dry me out before Mother could catch up with me!

At a later date when the minstrel troupe was organized, called the Cashie Phunny Phellows, Brother Frank and

Charlie were the end-men, Shepherd with his banjo and Brother with his clogs. But these fun makers could draw tears as well as laughter. When the banjo would strike up, "Down by the Riverside," accompanied by Brother's tenor and Shepherd's deeper note, surely there was never such music! Is there, indeed, a more melodious negro spiritual?

I'm going to lay down my sword and shield  
Down by the riverside  
Down by the riverside  
Down by the riverside

I'm going to lay down my sword and shield  
Down by the riverside  
Ain't going to study war no more

Ain't going to study war no more  
Ain't going to study war no more  
Ain't going to study war no more. . . .

Sometimes plays of merit—*East Lynne*, *The School for Scandal* or *Ten Nights in a Bar Room*—would be put on the boards. More often Confederate scenes would be enacted and war songs, such as "Tenting Tonight," would be sung. On these occasions the women's parts would be played by men. It was indelicate for a lady to be seen on the stage.

But these softer amusements were not so typical of the Berserks of Bertie as rough, out-of-door sports like bear fighting. At Christmas time the Ragamuffins would invade the town. Masked and disguised, they would cut up the most ridiculous antics, blow tin horns, beat the tom-toms and let loose the callithumps, setting the dogs to barking and greatly amusing us children. Several times I witnessed tournaments in Windsor. The knights, bearing such high-sounding names as Wilfred of Ivanhoe, Kenneth of Scotland, and Richard the Lionhearted, would enter the list, with lance in hand, and dash, full speed, at a metal ring encased in cloth

and suspended between two upright poles. One after another the contestants would try their skill and the knight who secured the greatest number of rings would have the honor of crowning the Queen of Love and Beauty and directing the ball and leading the first couple in the Old Virginia Reel.

Every Saturday was a full holiday for the farmers. On that day the vacant lots, the hotel stables and other available spaces would be filled with whinnying horses and braying jacks. By twelve o'clock half the visitors would be comfortably drunk, the Democrats with liquor from Skirven's bar on King Street, the Republicans and negroes with whiskey from Sheriff Bell's groggery on Granville Street. Presently a dispute would arise between the fighting Caspers and Whites and Dundeloves. The lie would pass and the cry would go up, "Fight, fight!" Everyone would prick up his ears and rush to the scene of battle, where a dozen men were knocking, scratching and biting one another with great impartiality. To miss a part in the free-for-all fight was considered a sore disappointment.

My usual perch on these exciting occasions would be the upper window of Gurley's store in front of the Democratic bar. From that place of safety Charlie Bond and I would watch the combatants, half an acre of them, swearing and tearing each other's clothes, and all about the most trifling incident, in no way connected with politics or other vital matters. After a while the more sober ones would succeed in pulling apart the bloody belligerents and restoring order. The hostilities would then be suspended until the next Saturday at the same hour.

Father's life in Bertie was an enviable one but lonesome. Nearly all the notable people had died or moved away and he, almost alone of his remarkable generation, remained. John Pool, now in the United States Senate but discredited because of political association, and Henry Gilliam, after-

wards a judge, were practicing elsewhere. Kenneth Raynor, the congressman who wrote the platform of the Know-Nothing party, and Joseph Bryan, another congressman, were dead; so were the two Outlaws and Cherry, and William Allen—a distinguished graduate of West Point—and his talented son, Thomas Turner Allen. It resulted that Father was the patriarch of Bertie, and as authoritative as Dr. Johnson in London.

Father's great weapon was the use of silence. With a contemptuous silence he could overcome any fool, no matter how blab-mouthed! Let someone advance a silly proposition and the ensuing silence would be painful. Maeterlinck's tribute to silence gave him many a jolly laugh. Yet there was one person who had no fear of Father and his defensory weapon. Charlie Shepherd was to Father what Wamba was to Cedric the Saxon—his foil and jester. Never a Wamba or a Touchstone more saucy or bold than Shepherd! "Ship-herd," Father delighted to call the saucy boy.

One day our little town was shocked to learn that a respectable woman, a widow of several years' standing, had given birth to a child. Pretty soon Father came down the street and caught sight of Charlie. "Hello, Shipherd," he called out in his deep, mellow voice. "They tell me you are the daddy of that little brat born last night." "'Tain't me, Mr. Winston, it's your Frank!" This insolence and audacity—though absurd—Father never tired of. In truth Charlie's wit and banjo and songs were a solace to the entire county.

I would not marry a po' gal  
I'll tell you the reason why  
Her neck so long and stringy  
I fear she'd never die!

These droll words Shepherd would sing, as he thumbed his banjo, wagged his head and dashed off,

I'm going down town, I'm going down town  
I'm going down to Lynchburg town  
To carry my tobacco down.

Occasionally the quick-witted rascal would improvise a bit of doggerel. One such verse I well remember, and it must have been original, filled as it was with numerous local hits,

Cheer up, cheer up, my lively lads  
Don't let your courage fail  
Jonah's down on Salmon Creek  
A-fishing for a whale  
And when he ain't a-whaling  
He's at some other fun  
In the swamp a-cutting reeds  
His whales to string upon.

Though Charlie was what is called a poor white he would take a humorous fling at poverty, and sing, in the most ridiculous manner,

I'd rather be a nigger than a poor white man.

The Civil War, as I have said, demoralized and bankrupted our land. In the old days there were thrifty plantations, well stocked with slaves and livestock. But now the fences were gone, scrubby cattle roamed at large, the ditches were filled with mud and covered with briars and underbrush. Squatters and worthless tenants lived in a state of nature, hunting, fishing and cultivating small patches of land. Moreover the morale of the people had been lowered and the sons of some of the old families had lost their bearings and were living in concubinage with mulatto women, by whom families were raised. Children of such a union had the status of their mother, that is, were negroes. The Roman law prevailed, the birth followed the belly. *Partus sequitur ventrem*.

This condition of affairs bore heavily upon Father and had he been able to dispose of plantations and fisheries he would

have moved up the country to a white section. But his possessions consisted of unsaleable real-estate. In order to educate his family he was compelled to remain in a land remote from the centers of trade and blighted by an excess of negroes. Just here let me pause to state that the conditions just described have been changed. No land has witnessed greater improvement than Bertie and eastern Carolina. This change Father had foreseen and sought to hasten, but could not.

Nothing better illustrates the cosmopolitan spirit of Windsor Castle than the marriage of my three brothers. The eldest, Patrick, espoused a Pittsburgh damsel, whose father was a resourceful and wealthy lawyer. The next, George, married a woman from Hinsdale, N. H., whose people really had come over in the *Mayflower*! The brother next older than myself, Francis, took to wife a Maine girl, the daughter of a surgeon in the United States Navy.

In January, 1870, five short years after Appomattox, when it became known in staid old Bertie that Pat Winston was about to marry and bring in a Yankee wife, our kinsfolk held their breath. But Father had no misgivings. It was said indeed that Old Man Pat was going to celebrate the wedding visit in proper style. He had ordered a Brussels carpet, 15 ft. wide and 900 ft. long, to cover the entire walk-way from the front door of the Castle to the brow of the hill, overlooking the village! And though this statement was somewhat overdrawn a great ado was made. Barfield, the negro painter, put on three coats of paint, leaving the home a beautifully white enameled mass, relieved by the delicate green of the blinds. A Steinway piano was purchased. Mr. Gulick, a French decorator, came down from New York and remained a month or more, papering, tinting, and repairing the ravages of time and of war.

My very first certificate of character came from old Mr. Gulick, a nervous, sensitive creature, as artists usually are. Brother Frank and I occupied the northeast room on the sec-

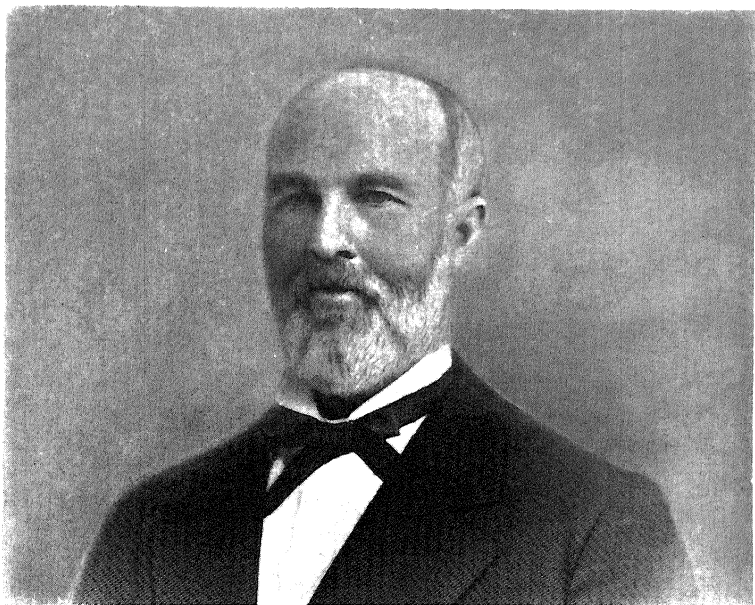
ond floor of our home and Mr. Gulick the northwest room across the hall. Now Brother's singing and dancing often got on the old Frenchman's nerves and made him fretful. So one day, with much shrugging of his shoulders and apologizing, he approached Mother and said, "Frank, he bad boy, he whistle, he sing, he sing, he whistle. Robert, he good boy, he no whistle, he no sing!"

Though the journey from Windsor to Pittsburgh was a long one and money scarce, Father attended the marriage of Brother Pat and brought back the most curiously molded wedding cakes. But we one and all agreed that those Yankee cakes, though beautiful to look at, could not hold a rush-light to Miss Lennie's delicate angel cake and famous fruit cake. I remember Father's description of the wonderful Horse-Shoe Bend, winding around the mountains between Washington and Pittsburgh. How the long train would curve, till one could reach out of the window and almost touch the puffing engine.

Now while Father was off on this visit I was busy with Andrew, one of our old slaves, and Ruffin Cofield, going up and down looking for the fattest turkeys and the freshest butter and eggs—not omitting a 'possum or two by way of surprise for our Yankee kinswoman soon to arrive. And, at Sheriff Bob Taylor's, out on the Colerain road, we found what we were looking for. No turkeys surpassed Sheriff Bob's bronzed, strutting, bearded, and waddling gobblers.

The Sheriff, a thick-set fellow, a yeoman in fact, standing firm in his shoes, had a head full of common sense, and, since he was soon to preside over the County Court and his honesty and directness are characteristic of our middle classes, I will record an incident which I witnessed. A case, the larceny of a pig, was up for trial and Father was prosecuting, and his nephew, Duncan, defended. The defense was that the negro prisoner mistook the pig for his own. There was therefore





WINSTON OF BERTIE



SHEPHERD, HIS JESTER



LUCY, HIS FAITHFUL SLAVE



no felonious intent. In rebuttal, Father offered a witness to show that this plea was a sham, resorted to on a former occasion by the prisoner, who owned one old barren sow, which he claimed had littered numerous pigs, used, when necessary, as an excuse for stealing from his neighbors. The defense objected to this evidence, insisting it was hearsay. "Not at all," said Father. "It shows the guilty knowledge, the *scienter*."

The argument waxed hot and hotter, Father urging that the testimony was competent and the defendant's attorney insisting it was not. At length the puzzled court announced an adjournment for dinner, when the judges, Sheriff Bob and two other farmers, would consider the pint and rule on it. At two o'clock court reconvened and all ears were erect for Sheriff Bob's ruling. "Well, gents, the court is ready to rule," the presiding officer sagely remarked. "Old Man Pat he says the evidence is competent and Duncan he says it 'tain't. So the court rules there is a lie out summers!"

In a few days Brother Pat and bride arrived, on the little steamer *Kalula* from Plymouth, and we were delighted with our new relative, a lovely, adaptable woman and a real addition to the family circle. Soon, the bride and groom visited our kinspeople, and, during a stay of weeks in a critical environment, so considerate was my new sister that she committed but one faux pas. At a rather formal two o'clock dinner, out at Uncle Tayloe's, luscious apple dumplings were served, which Sister Jennie refused. She mistook them for corn bread, an insipid dish she could never quite go.

Sometimes Brother Pat would tease his handsome young bride, but never in the presence of Father. When with such daredevil fellows as Ned Outlaw, Jim Bond, or Bill Capehart, he would proceed to explain how he came to marry a rich Yankee. "You see," he would roar, looking very serious and never cracking a smile, "the damn Yankees they set my negroes free and so I married one of them to get even"—a

joke which no one enjoyed more than Sister Jennie, and which was quite characteristic of the paradoxes for which Brother was noted. In truth he was generous to liberality and liberal to prodigality—really the most free-handed human being I ever knew, money slipping through his fingers like water through a sieve.

Captain Outlaw, who knew Brother better than almost anyone, used to tell a story, depicting truly his unorganized and untamed nature in contrast to my prudent and conservative manner of life. "Once," said the Captain, "Old Man Pat gave his sons, Pat and Bob, a keg of roe herring apiece. Pat sold his fish on credit for \$12.00, and never collected a cent. Bob sold his for \$3.00, and got the money! Pat is now poor and Bob is rich"—a conclusion which requires a grain of salt!

During this visit of my brothers, Grant was President and had agreed, as was said, to furnish Governor Holden with troops to reconstruct the state and give the Republican party and the negroes control, but failed to comply with his promise. At all events the Governor went forward in his foolish and wicked course. He suspended the writ of habeas corpus, over-rode the civil courts and declared martial law. He put Shotwell and our old friend Turner and other patriots in jail. In a word he created conditions bad beyond words to describe or imagination to conceive.

And yet I must admit that I do not remember one syllable of this political revolution, nor do I recall the discharge of Turner by the brave, and greatly beloved, Judge Brooks. It seems strange that I am able to remember a dance at Windsor Castle, when I, a bashful ten-year-old chap, was hauled out from my hiding place under Mother's bed to make up a set, but, for the life of me, cannot remember the greatest upheaval of the age—the conviction of a Governor for high crimes and misdemeanors, the first and only time such official was successfully impeached, convicted and put out of office.

## CHAPTER VI

### OLD MAN JIM AND HIS SCHOOL

IN the 1870's the two classical schools in our state were Bingham's and Horner's, the one in Orange County, the other in Granville. And all good, patriotic Tar Heels were sure they were the equals of Rugby and Eton! Walter Page and his brothers—we never called him Walter Hines Page in those days—attended the former and the Winston boys were pupils of the latter. In a crude, intemperate, and poorly constructed novel, called *The Southerner*, Page has drawn a true picture of the Bingham school, making caste and Civil War memories its dominating factors. In colors quite as picturesque, Brother George depicted, in the *University* magazine, his old teacher, James H. Horner.

That the schools were similar in methods of instruction will appear from an incident which I witnessed at the centennial of the University. Colonel Bingham was speaking and had gone but a short way in his address when he espied his rival. Pausing, he said, "I see before me the Nestor of North Carolina's school-teachers and it ill becomes me to speak in the presence of James H. Horner." As Bingham took his seat the applause was generous and there were calls for Horner. That wonderful teacher then rose—six feet four inches—and, as bashfully as a school boy, declared his friend had overrated him. He must confess that such success as he had attained was due to his early training under his friend's father.

The first question asked me was, "How many senses have you?" I was stumbling along, naming one or two of them, such as feeling and smelling, when Old Man Jim, as we called

him, broke in, "No, sir, you have five senses—seeing, hearing, feeling, tasting, and smelling." These words were rattled off at a great rate and we were told that if we did not know a thing in its order we did not know it at all; seeing was the most essential and smelling the least essential, and the senses must be named in their natural order.

After a while we took up Latin and the same methodical course was followed. "How many conjugations are there?" we would be asked. The answer was, four. "How do you distinguish them?" "By the termination of the present infinitive." "That's right, sir. Now give the terminations." "The first has *a* long before *re* making *āre*, the second *e* long before *re* making *ēre*, the third *e* short before *re* making *ĕre*, and the fourth *i* long before *re* making *īre*." After this formula had been repeated, a hundred times perhaps, we could spot the conjugation of a verb in the dark! Now, in cold print, all this may sound dull and far away, but under the master's magnetic methods, it was far otherwise.

Every boy was on tip-toes, popping his fingers and eager to tackle the questions fired at the class. Cutting up and down, or tripping, was the rule; and as a question would start and be missed and Old Man Jim would call out, "Next, next!" shaking his long index finger at each pupil till probably boy No. 25, sitting at the very tail end, would guess the answer and go all the way to the head, the excitement would equal a horse race.

"How many parts of speech are there?" he would ask. "Five parts," boy No. 1 would answer. "Next, next!" "Four," No. 2 would venture. "Next, next, next!" Then, perhaps boy No. 10 would say, "There are five parts of speech and three particles." "Right, sir, take 'em down." Protest as we would that No. 1 had answered correctly when he said there were five parts of speech, we got nowhere. "There are five parts of speech and three particles," would be the *ipse dixit*: "Noun, pronoun, verb, adjective and ad-

verb; *and*, preposition, conjunction, and interjection." Thus we were taught to be methodical. The rules we must know as written, and the definitions we must not only commit but absorb. Never, never to be forgotten, or stumbled over.

A distinguishing feature of the school was its system of reviews. The first four days of the week were given to a drilling process, a hammering of knowledge into our young, untrained minds. Then came Friday, a unique day. Friday was review day; on that day not one step did we advance, we simply went over the work of the four preceding days. If, during that time, we had read four chapters of Caesar, on Friday we re-read them. We construed every idiom, declined every difficult noun, and conjugated the deponent verbs, just as we had done earlier in the week. This going-the-second-time over our lessons seemed to give us a firmer grip. Bingham's Grammar, and Andrews and Stoddard's, became as much a part of us as the multiplication table. In fact, the grammar was to the study of Latin what the multiplication table was to mathematics—so thoroughly inculcated that we were not conscious of the effort to remember it.

Under this method of catapulting knowledge into our heads, the dullest pupil would often surprise the class. A stupid boy in fact seemed to absorb the rules more completely than a thoughtful lad, the process being mechanical, and a mere act of memory. The result may be judged when I say that, though it has been fifty years since I looked into a Latin grammar, I am now reproducing rules and forms just as I learned them in the '70's. That I am able to do this seems a phenomenon worthy of note. Nor is my Latin exceptional—in arithmetic the same condition prevails.

In order to get the multiplier, in calculating interest at 6 per cent, we had the following rule: "Multiply the number of years by .06; denote the months by hundredths and divide by 2; denote the days by thousandths and divide by 6, and add these figures together; the sum will be the multiplier."

Let us suppose a note was for \$5000 and bore 6 per cent interest and had been running two years, four months, and six days. The interest due would be \$700.50, that is \$5000 multiplied by .141. These figures, .141, are the sum of .12 for the years; .02 for the months; and .001 for the days. Now this rule lay dormant with me for full twenty years, when business required me to work an example in partial payments, and then, without referring to any arithmetic, I made the calculation. The rules had come back to me and I could apply them just as in 1872.

I recently laid these facts before a psychologist and asked him to explain them. He replied that the explanation was not difficult. In childhood a habit, based on some modification of the nervous system, had been developed and fixed. This habit lay dormant until a stimulating situation appeared and produced a response.

One peculiarity of Horner's method impressed me: He did not insist upon a reason. He seemed to think a lad of eighteen, or under, incapable of reasoning. He was content to store the youngster's mind with knowledge, which in due time would be applied. This idea, I have since discovered, was entertained by Lord Bacon, who declared that a wise questioning is the half-way towards knowledge.

I have no decided opinion as to the wisdom of Old Man Jim's empirical method and yet it must be said it produced results. From the small class of about twenty boys, to which I belonged, there went forth two bishops, a judge, the president of a well-conducted bank, a wealthy cotton manufacturer, several successful planters, and the greatest commercial lawyer, perhaps, of the entire South. Surely, schools and colleges have traveled a long way in these sixty years—from the old day of absolute obedience to authority to the new day, when no curriculum will work unless submitted to the students and approved by them.

I do not think the Bingham-Horner method was adapted



to advanced students, being mechanical and lacking in imagination. And yet here again it must not be forgotten that Bingham's pupil, Walter Page, and his son Robert, each was the ambassador to Great Britain; and Horner's son, Junius, was a bishop. Undoubtedly Colonel Bingham and Captain Horner were lacking in imagination, being mere drill masters, a quality acquired by them when officers in Lee's army. But who shall say they were in error and that an immature child is capable of making a wise choice or of self-discipline?

In the matter of games and sports there is a difference between my school days and the present. Today an expert is required to teach the boys how to play; in my day the trouble was to keep the boys from playing! We simply lived in the open. All day long Saturday we played baseball on the Green, and on Sunday, after the church hour, we roamed the woods and climbed the trees in search of muscadine grapes and black haws and bird eggs. Never a warm day but we went swimming; never a freeze, but we went skating.

In fact the most doleful sound that ever smote upon our ears was the cry, "Faculty!" ending our sports and announcing the approach of our teachers—Old Man Jim, swinging along in a well-worn beaver; Old Man Baldy Graves, associate principal, a Presbyterian elder, stiff and formal, in his long, broad-cloth coat; and tutor Fishburn, fresh from college, prim and dapper. At the sound of "Faculty," town ball and chirminy terminated, bats and balls were thrown aside and we reluctantly filed into the old academy, situated in a large oak grove, at the brow of a hill, at whose foot was a gushing spring of the purest and coldest water.

Fishing Creek flowed near the academy and at one place the waters narrowed and were eight or ten feet deep. Tradition had it that a man named Pulliam had been drowned when diving from a tall rock overhanging the pool. This circumstance had given the name to the place. In the summer Pulliam's was our swimming hole, in winter our skating

pond. Though the winters, in those days, were no colder than at present and the summers no hotter, the weather was more uniform. Oftentimes we had a full week of good skating, Pulliam's becoming a solid mass of ice.

Let the pond freeze over, and we boys would be all a-flutter. The academy grounds would resound with loud cries of "Holiday, holiday!" A petition would be circulated and signed and handed up to the faculty. Rarely was a holiday refused. Then a hundred happy schoolboys would join the town people, old and young, male and female, and scamper out to the banks of Fishing Creek, and construct huts of cedar and pine boughs. Cooking, eating and sleeping and never thinking of returning until the ice had begun to rot and many a skater immersed in the icy waters of Pulliam's Hole.

But there were other holidays: Tuesdays of Court week and public speakings, for example. Whenever an exciting case came on for trial the courtroom would be filled with spectators and we boys would be honored with seats on the bench, beside the Judge. Though the state was Republican, from governor to constable, yet the judges were partial to Horner boys, doubtless due to the fact that Richmond Pearson, later a congressman and also ambassador to Persia, a son of Chief Justice Pearson, was a student at our school. Now some of the judges were competent officials, but others were the reverse. I remember one of the latter class, Judge Watts, so ignorant of law and so slovenly in dress that Turner's *Sentinel* dubbed him Greasy Sam.

An incident in Watts' court which occurred while I was a student at Horner's will illustrate the demoralization of the bench. A Ku Klux case was on trial. The defendants were Dr. Sam Booth and others. Excitement ran high, as the Doctor was a great favorite and the leader of the regulators. And his fate seemed sealed, though he had employed the ablest Democratic lawyers and had retained Colonel Hargrove, a

Republican of great influence. Two or three witnesses testified that they recognized the Doctor at 12 o'clock on the night in question. He was on horseback at the head of a group of hooded men, riding through the village of Knapp of Reeds. Other witnesses swore to acts of lawlessness.

At this stage of the case, and when conviction seemed certain, a venerable negro, benevolent in appearance and with white locks, came forward as a witness for the defense. He gave his name as Tom Booth. Tom was examined by Colonel Hargrove, and, after a guess at his age, stated that he was once a slave and Dr. Sam, the defendant, had been his young master. He then proceeded to state that on the occasion in question he and Marse Sam were ten miles away from the village of Knapp of Reeds, 'possum hunting all night long on Beaver Dam Creek.

"Did you catch the 'possum, Tom?" the Colonel asked, to break the tension. "We sho did, boss man," said old Tom, as he threw out a wad of tobacco, "and hit was the leastest 'possum I ever seen."

Just here the Judge became interested, and took a hand. "Witness," he asked, "did I understand you to say it was a *very* small 'possum?"

"Hit sho was, boss," and Tom bowed his politest bow.

"And what sort of a tree was it up?"

"Well, boss, hit was mighty nigh the biggest gum I ever seen."

"Mr. Solicitor," said His Honor, with due gravity, as he dipped his pen in the ink and began to write on the docket, "you had just as well take a nol. pros., in this case, that old man is evidently telling the truth. I am a 'possum hunter myself, and I know the smallest 'possums always take to the tallest trees!"

Many years after this incident, and when I myself had become a lawyer and was practicing at Oxford, I asked Dr. Booth if old man Tom was telling the truth or if he merely

substituted one night of 'possum hunting for another. "Don't press me!" the Doctor laughed.

As we boys sat on the bench by the side of Judge Watts we were more engrossed in the cartoons he drew than in the court proceedings. The lawyers, one by one, would rise to address the jury and the Judge would take out his pencil and sketch them, distorting their noses and mouths and passing the caricatures over to us to laugh at and admire! In such circumstances it has always been a surprise to me that the Judge got along as well as he did. In truth, the last day of his court was a great farce.

During the term he had given offense to an irascible lawyer, Colonel Lee Edwards, as sharp-tongued an individual as John Randolph or Horace Walpole, and quite as dramatic and whimsical. Now the Colonel determined to get even with the Judge, and this he proceeded to do in the following manner. Judge Watts had directed the sheriff to adjourn court, and that officer had made the usual announcement, "Oyez, Oyez, Oyez, this Honorable Court now stands adjourned for the term," whereupon the Colonel rose to his feet and sneered, "Did I understand Your Honor to announce that this Honorable Court had adjourned sine die?" "You did, Colonel Edwards," said the Judge. "Well, may God Almighty never again afflict this community with the likes of Your Honor." Whereupon His Honor reconvened the court and adjudged the Colonel in contempt and gave him five hours in jail! It took the influence of the entire bar to prevent the enforcement of the sentence.

But the courthouse, with all its diversions, did not interest us as much as speeches from the stump. I wish indeed I had the power to describe an incident characteristic of the times. The political campaign in Granville was in full swing, crowds of whites and blacks attending the speakings. Colonel Edwards, the exquisite above referred to, was a candidate for the legislature; his opponent, a small, coal-black, good-

natured negro, named Cuffee Mayo, once a slave belonging to the Edwards family. Though the canvass was not joint, opposing candidates often asked questions.

When the Colonel, immaculate in his wardrobe, took the stump, he told of the stealings and corruption of the Republican party, its doings stinking to high heaven, so that the man in the moon had to hold his nose! "My fellow citizens," he exclaimed, in his shrill, sharp, piping voice, "take this case: There is a privy on the capitol grounds at Raleigh and it became necessary to cleanse it. Now, what sum, think you, did the Republican legislature vote for that purpose? (A pause.) Two-thousand-four-hundred-and-fifty-six-dollars-and-twenty-five cents! Yes, fellow citizens, I repeat, two-thousand-four-hundred-and-fifty-six-dollars-and-twenty-five cents."

Just here Cuffee rose and, in the most artless manner—as if merely seeking information—said, "Marse Lee, mought I ax you a question?"

"Certainly, Cuffee, any question you like."

"Well now, Marse Lee, if dat was too much, what would you have done it for?" Cuffee was elected by a handsome majority!

The absurd and ridiculous Greeley campaign came off while I was a schoolboy. This fiasco—old Horace Greeley, abolitionist and corner-stone of the Republican party leading the Democracy—furnished Thomas Nast, I feel sure, the idea of cartooning the Democratic party as a donkey!

And the campaign which followed Greeley's nomination was as silly as the nomination itself. Negro orators were hired to champion Greeley's cause. I remember the two colored men who came to Oxford and spoke, the one, short, fat and black, the other, tall, slim and yellow. And while they were speaking the incongruousness of the performance provoked jeers and laughter from blacks and whites alike. Many Confederate soldiers voted for General Grant, prefer-

ring a brave, open foe to a secret one. Undoubtedly, the reason Southern politicians nominated Greeley was his signing Jefferson Davis' bail bond and releasing the Confederate President from prison.

At this time a negro, named Hanson Hughes, represented Granville in the state Senate and another colored man, William Crews, was serving in the House. These men were speakers of force, using words of one syllable and sentences so short and pithy as to remind one of the Indian chief, Red Cloud. Just here I will anticipate events and say that Hughes became a trial justice and presided over the courts in which I afterwards practiced. Crews was elected deputy sheriff. But, in the course of time, as we shall see, negroes were eliminated from politics and Hughes and Crews became statesmen out of a job.

Now Hughes was an expert barber, and therefore was not injured by the loss of office, but Crews had neither profession nor trade so that he and his family narrowly escaped the poorhouse. This misfortune bore heavily upon him, since his children were unwilling to work in the corn-field and nothing else was open to them. In after years, when Crews was despondent and friction between the races acute, he came into my office and bewailed his lot. He saw no future for his race. Said he to me, "Gladly would I die if my death would give my people a chance." And yet William Crews' life had its bright spots, as a little incident will show.

He and another colored man, Enoch Arrington, prevailed on a white man, named Bullock, to purchase a small store for them and take title in his name till they could pay for it. Under this agreement several payments were made and all went well till the property began to advance in value. Then the negroes raised the balance due and tendered it and demanded a deed. This, Bullock refused, claiming they had been paying rent and not purchase money. When the colored men employed me I set out all the facts and contended

that Bullock was a mere trustee. Under the judge's charge, the jury decided with Crews and Arrington and gave them the property.

Returning to my school days I must say that as they were drawing to a close I looked back upon them with satisfaction. Though my range of knowledge was limited, confined to Latin, Greek, and mathematics, and I was not a scholar, in any sense of the word, I had been kept busy and had passed through the dangerous period of life fairly well. I cannot agree with Bertrand Russell that the sex impulse is so absorbing that there is no escape except to quarter eighteen-year-old schoolboys and girls in the same bedroom. Such a course would result, I fear, in a barn-yard philosophy. My experience is that, with the aid of study and play and the keeping of one's mind off one's self, the normal boy can maintain himself fairly decent against the climax of all happiness, the old-fashioned bridal chamber.

When I told my schoolmates good-by and went down to Windsor I found the entire family there gathered. Brother George, having graduated at Cornell and taught there while Waite was Ambassador to Greece, was now at home studying law; Brother Frank had returned from Cornell and was on a vacation; Brother Pat's recent career had been a disappointment to Father. In truth, our oldest brother was so much his favorite, and so far excelled the rest of us, that we were but dust in the balance.

In the late campaign he and Horace Greeley had canvassed Pennsylvania from the same stump and had become as intimate as an old person and a young one can well be. On the night of Greeley's overwhelming defeat Brother was sitting, sad, dejected and alone, on the bridge over the river at Pittsburgh, when he heard shouting, huzzaing and music. Soon a wildly cheering crowd came marching by, celebrating the downfall of Horace Greeley. Miller, Brother's father-in-law, was leading the van! In a short while Brother gave up

his position in Miller's office and returned to Windsor, where he practiced law and published a newspaper called the *Albemarle Times*.

The months between my school and college days were useful. A portion of the time I recited to Brother George and, for sixty days, we were the only white persons at our fishery. Early in January he and I, with Sid Stone, our old slave, and Ruffin Cofield, went down to Terrapin Point to get the fishery in order. We set out from Windsor in a bateau, loaded with flour, meal, meat, molasses, butter, eggs, chickens, and what not, the negroes at the oars and Brother and I the skip-pers.

Our route lay down the Cashie River, which parallels the Roanoke and is so close to it that here and there the two streams have broken into each other and formed passage-ways, the largest of these called Horse Thoroughfare. About dark we reached the wide waters where the Cashie debouches into Albemarle Sound. In front of us stretched that beautiful sheet of water. A few miles away was Roanoke lighthouse. An east wind had risen blowing dead ahead and impeding our progress. Once or twice we were forced to land in the swamp opposite the fishery. At length, about 10 o'clock we made Terrapin Point, and, having kindled a fire and cooked supper, knocked up a bunk and slept the sleep of the honest toiler.

During the next two months no living soul was at the fishery except Brother and me and the two colored men. And what a wilderness Terrapin Point was! The tip end of a pocosin of hundreds of acres of peet and marsh—a loblolly infested with bears, raccoons, moccasin snakes and other varmints, and almost surrounded by water. No road, or other entrance or exit except by boat. Yet, despite these untoward surroundings, my days, as Christopher North would say, were boreales, and my nights ambrosianae. Brother and I slept in the same bed, ate out of the same skillet, were



warmed at the same hearth, and toiled at the same job. We reshingled the seine-haulers' houses, constructed platforms, adjusted windlasses for hauling the seine, and did all other things necessary for the stupendous task of catching, icing, salting, saving and selling millions upon millions of herring, shad, perch, sturgeon, rock, cat, and other fresh-water fish.

We likewise built a causeway over which covered wagons might pass to and fro. And, as we laid down the poles for the bed, old Andrew, an up-the-country negro well acquainted with sure-enough railroads, would snicker and dub it a down-the-country railroad, and crow over Ruffin who had never seen the genuine article. Jovial, often half drunk, Andrew would lay aside his mattock and tell Ruffin what a real "bullgine" was like. "Chew-e-chew," he would begin, slow and easy, then faster and faster would go "chew-e-chew, chew-e-chew," imitating the engine. And when the great iron horse got under full steam the old man would shake and tremble and shed tears of joy as he thought of slavery days and the mail engine, Chockoyotte, dashing across Tar River bridge at Springfield. In an ecstasy of delight, he would dance and croon the song of the roaring engine.

Franklin County—catch a nigger—  
patch his britches—

Franklin County—catch a nigger—  
patch his britches.

Over this corduroy road Washington Duke once traveled in a covered wagon loaded with manufactured tobacco. And after he had exchanged his products for Father's herring, and swapped the fish for fresh pork and sold the pork for cash, he discovered that he had such profits in his pocket and was so rich he could give his three sons a rare treat. He therefore bought and took home a bucket of brown sugar and told the boys to pitch in and help themselves. After a while, when the old gentleman passed through the room, one of the lads

spoke up and said, "Daddy, somebody's cheated you in this sugar, the bottom ain't half as good as the top!" Now, this discriminating youngster was not unknown to fame, being none other than James B. Duke, tobacco king, founder of Duke University and perhaps in his day the richest man in the world.

It was down at Terrapin Point that Brother George first opened my eyes to the vastness and complexity of life and impressed the necessity of intellectual honesty—a task for which he was not unfitted. At the Naval Academy he had stood Number 1 in his class. At Cornell he had graduated with distinction. I may state that he resigned from the Navy on account of nausea, which malady, on a lengthy cruise, would undoubtedly have caused his death had not the Captain taken him in his own state-room.

During the long winter nights he would tell me of his trip to Europe and the beauty of Paris, and the gardens and vineyards of rural France. I recall that Robinson, Colonel Roosevelt's brother-in-law, was on the ship with Brother, and Fox and Galt and Dockery and Winston constituted one mess. I also remember a wonderful pen-staff of ivory, which Brother brought home. In the handle was a kaleidoscopic picture of the Prince Imperial during the Franco-Prussian War passing through his "baptism of fire"—the young prince astride a white stallion pony and cutting a graceful figure.

Two or three times a week Sid and Ruffin would paddle a canoe to Plymouth, where Lieutenant Cushing blew up the ram Albemarle, and fetch back the mail, and lay in provisions. On the return they would sometimes bring a dainty box, filled with maple sugar and addressed in a woman's hand, suggestive of a wedding shortly to follow. And when night came on Brother and I would crawl over into our feather bed and lie side by side, and, as the wind whistled through the chinks of our cabin and lashed the waves against the sleepers, he would tell me of his plans. He intended to become a New

York lawyer, and finally to retire to a country home up the Hudson—a home for him and for me. In dreamland I would fall asleep.

But now spring has opened up. Redbirds have lit on the cypress knees and are bidding us, "Cheer-up, cheer-up!" Shad and herring are running. The keen-eyed gull is diving down and seizing a speckled perch, and is off for its eyrie, but is overtaken and robbed by the bald eagle. The fishing season is upon us. Scores of negroes, care-free and good-natured, arriving. Steamers, filled with coarse salt, and tons of ice, bellow out towards Roanoke Light. Seine and rope and toggle lines and staffs are piled on the fishing boats. All is in readiness for the first haul.

"Well, Melton," Father cheerfully calls to Weston Melton, the solemn, copper-colored captain of the beach, "do you think we can shoot her this morning?"

"Yes, boss, I'm a-hopesin we can, sir."

And then the two boats, loaded with seine and lashed stern to stern, rush out a mile or more and separate, and spin off their contents rainbow-shape, as they race back to the shore. On the seaboat, old Andrew pulls the stroke oar, and Lymus Roulhac, the bow—the rhythm of their oars as harmonious as nature herself. And as the seaboat shoots homeward, propelled by eight sturdy negroes, the air resounds with the wild, barbaric notes:

Row the boat ashore  
Hog-eye, hog-eye,  
Row the boat ashore  
Hog-eye, Man!

And of all the people at the Point I guess I must have been the most popular—I dispensed the liquors! Every second hour I would take my stand at the cutting bench, with a gallon pot of corn whiskey in one hand and a horn in the other, this vessel being a real cow's horn and having a cork bottom,

used, I suppose, because it was in harmony with the wild surroundings.

In May Father's birthday came. This event was celebrated by the hands with two horns of whiskey instead of one, as was the case whenever a sturgeon was caught. This fish is unique. It may weigh three or four hundred pounds, and has a nose of India rubber. Its mouth, like a mullet's, is wholly without teeth. Its fins are rough and as wide as a shingle. The sturgeon's strength is in its tail, a flap of which will break one's leg. So powerful is this fish that it cannot be landed on the beach but must be hooked and dragged out of the water—this hooking process being a delicate one. Woe betide the unfortunate who hooks a sturgeon in the tail instead of the body!

Nothing amused the veteran seine haulers so much as to watch a greenhorn attempt to hook a full-grown sturgeon. Let the keen eye of Captain Melton discover the corkline under water and he would shout, "Sturgeon! Sturgeon!" And then the old-timers would inveigle some land-lubber to go out in a boat and hook the big fish. Pretty soon the sturgeon would stir and "Thump!" the hook would sound landing squarely in its tail. Overboard would plunge man and hook, as the beach screamed and roared with laughter.

A piney-woods negro once hooked a sturgeon, in the wrong way, and was jerked overboard, and out to sea he went, sometimes above water and sometimes below. "Tell Hannah!" the victim screamed as he came up, holding on for dear life. Then, down he went again, but presently came to the surface. "Tell—Hannah!" he spluttered—Hannah being his woman, of course. This grotesque story, characteristic of the childlike negroes—the more improbable an incident the more its appeal—became a Terrapin Point tradition. A sturgeon was never hooked without the refrain, "Tell Hannah!"

## CHAPTER VII

### GIVE THE HEATHEN A CHANCE

MY dream of a home on the Hudson did not come true, as something happened that changed the course of events. Soon after the fishing season Brother George was elected professor in the University of North Carolina and Chapel Hill became the Mecca of our family. The manner of his selection is characteristic and illustrates the exiguity of the educational system.

In 1868, David L. Swain, the awkward and much-beloved mountaineer from Buncombe, who had successfully conducted the University for a quarter of a century, was turned out by the Radicals and the college thrown open to whites and blacks alike. Under these conditions the institution floundered along for two or three years and then collapsed. An interregnum followed when the church colleges not only flourished but insisted there was no need of a university since they were supplying the necessary educational advantages. But in 1875 the friends of Chapel Hill, including a few liberal Republicans, arranged to reopen the venerable seat of learning.

When the trustees met to set the wheels in motion a sense of caution overcame them. Would the state support a university, and how could the denominational colleges be appeased? To meet these difficulties the Board went cautiously about the task of selecting a faculty and distributing the patronage. A pious, lovable Methodist preacher, wholly innocent of modern philosophy, was chosen professor of that department; a venerable Presbyterian elder, once a power in the school room, but now worn with age and gout, was called

to the chair of mathematics. A pugnacious Baptist minister, with the gift of popular oratory, but scarcely able to tell the difference between an oxy-hydrogen blowpipe and a centigrade thermometer, became the professor of chemistry; one of the most delightful of gentlemen, a cultured Episcopal lay-reader, landed the professorship of Greek.

At this point in the proceedings Colonel David Miller Carter, stern, fearless and level-headed, a stout, thick-set man with a round, freckled face, stiff, reddish hair and bristly, short-cropped beard, rose to address his fellow trustees. "Mr. Chairman," he growled, "I note with interest that we have chosen a Methodist preacher, a Baptist preacher, a Presbyterian preacher and an Episcopal lay-reader, but we have totally neglected the heathen. This omission should be supplied. I therefore rise to place in nomination for the department of Latin, George T. Winston." The motion prevailed, and Winston and Graves became the only members of the faculty with a touch of modern culture and some knowledge of modern methods.

Battle's *History of the University of North Carolina* draws a picture of the re-opening of the institution and features an apocryphal contest between three new students for the honor of being the first to matriculate. "My readers are in a state of anxiety, no doubt," it declares, "to know the name of the first student, the Hinton James, of the nineteenth century. I am glad to be able to crown him with honor. I am proud to set him on the pinnacle of fame. The glory belongs to the elder of two brothers, who, with Charles Bond, preceded all other candidates by a day's journey. When their conveyance reached the boundary line of Chapel Hill the elder brother suddenly leaped from the vehicle and dashed forward with the amazing speed for which duck-legged youths are often famous. Shouting, 'Hurrah! I am the first student on the Hill,' he reversed the history of Esau and Jacob. Esau was

ahead this time. The unsuspecting Jacob (Hebrew for Robert) had no time to offer his mess of pottage.

"When I tell you that this long-headed, if short-legged, youth went to the legislature, with about one thousand majority against his party, intent on looking out for the interest of his Alma Mater, it will be guessed that his name is Francis Donnell Winston, the Hinton James of 1875. The youth, Robert, thus out-generaled, had his share of the blood of the old Scandinavian Vikings, however. After great searchings of the heart he devised his scheme and bided his time. It was a signal and a cruel revenge. Frank's Nemesis came when there appeared to receive the silver cup for the first boy baby of the Class of 1879, James Horner Winston, son of Robert."

The question is often asked, "Why, of late years, has North Carolina forged ahead of her Southern sisters?" The answer must be, I conclude, "Because of her University"—an institution which has led the commonwealth in education, rural development, industry and widespread culture. Soon after the war Georgia was the Empire State of the South, so far had she surpassed all her sisters. As for Virginia—delightful Mother of States and Statesmen—she once greatly outstripped North Carolina. Indeed the Old North State was content to play second fiddle in the Old Dominion orchestra. But today this is changed. North Carolina overtops her neighbors in an enlarged social outlook, in popular education, in manufactured goods, in the value of crops raised, and in good roads.

Another query may be pertinent, "How could such momentous results flow from an institution so poorly equipped?" This question I am unable fully to answer. In September, 1875, when I entered the University, it was in no sense what its name implied. There were only seven teachers and fifty odd students, and the physical plant was poor to poverty. But there was much more to Chapel Hill than curriculum and classrooms. A manliness and a strength of character

dominated the campus. We were individualists; we did our own thinking and were as jealous of our rights as our Revolutionary ancestors. Poverty, actual privation! We rose above them. We were the stern stuff that had come out of a long, bloody civil war.

I recall a characteristic incident soon after the college reopened. Each Saturday morning it was the custom for the two literary societies to meet, and on the occasion in question, Peele, my classmate, had vacated his seat in the Phi Hall and gone on some errand. When he returned he found Norfleet, a large, powerful fellow, in his chair. Peele explained to the intruder that the seat was his and had been temporarily vacated. Norfleet refused to move and Peele warned him that they would settle the matter outside. As soon as the society adjourned Peele, a smaller chap than Norfleet, approached and said, "Defend yourself, sir."

Fifty of us gathered in front of the Old East, the oldest state-college building in America, to witness the contest, that bright October day. And fair and square it was. Nothing unsportsmanlike, no slugging or hitting beneath the belt. No time out for rest or for sponging off blood and grime. Just an incessant pommeling, blow upon blow, in the face and in the ribs, for full twenty minutes. Bleeding and exhausted, Norfleet surrendered. No one ever again usurped Peele's seat! Yet, Billie Peele was in no sense a bully. Modest, studious, almost a recluse, the young fellow was respected by all and soon became president of our class, and in after years a historian and antiquarian of note. Not the classroom but the campus course, I am confident, produced our leaders.

In the old days the University had been caste-ridden, a condition characteristic of the entire South. In my day, the new University began to break these shackles. Manual labor was dignified, self-help students increased and poorer boys were paying their way, chopping wood, making fires, mow-



ing lawns, and washing dishes. And, without loss of self-respect.

Now I would not have it understood that I knew and appreciated the significance of my surroundings. I did not recognize the dynamic forces at work. I was too young to generalize or draw conclusions. I could not discover the forge from which should come so great wealth. I simply took things for granted. Shut up within college walls, somewhat undersize, I knew nothing of the world outside: The conflict between labor and capital, the child movement, the woman movement, the race issue, and the other agonizing agencies of humanity.

I was content to blaze away at my Latin, Greek, and mathematics. In a haphazard manner, I read all sorts of books. I was quite expert at baseball and the old-fashioned game called shinny. I swam in Morgan's Creek and was a frequenter of the lovely forests round about. Moreover my tastes were classical. Realism, I had no patience with—it was common and vulgar. I fully concurred in Mother's characterization of Dickens. "I see enough of my cook and hostler every day in the year," she used to say, "without reading Charles Dickens."

Our college was divided into two groups, designated by James as the tough-minded and the tender-minded. I found my place in the latter group. Johnson and Pope and Addison and Hume, these classical writers I read. My delight was in a well-turned phrase. I doted on the sonorous: Pitt's Reply to Walpole, The Seminole's Defiance, Macaulay's Trial of Warren Hastings, Emmet's Defense, Danton's Defiance of the Allied Monarchs.

In secret there was considerable infidelity among the students, Voltaire and Ingersoll being favorites. Tom Paine's *Common Sense* was read, and much talked about. The youthful writer, Mark Twain, had numerous followers. Among the realists, Huckleberry Finn and Tom Sawyer were

household words. I regret that the romantic writers failed to attract me. *Innocents Abroad* had just come out and I disliked the book. It seemed to me Mark was trying to make me laugh and I refused to laugh under compulsion. This disrelish for realism and the common things of life, as I later discovered, was a mistake. But it took me many a year to understand that life is not compartmental; the wheat and tares must grow along together.

During my first year the University had no president, but in 1876 K. P. Battle, an old Union Whig, was chosen. The name of Jefferson Davis had been discussed, but the trustees wisely refused to consider a reactionary. I became very fond of Mr. Battle. A real, gentle man, he would not needlessly tread on a worm. He had a large grasp of life; he knew how to give and take. A sterner person could not have filled so delicate a position. The situation called for a conciliator, a compromiser, and found it in "Pres. Battle."

Very soon Brother George and Battle grew to be comrades. In them extremes had met: Battle shrinking and conciliatory; Winston, the opposite, being, in Battle's words, "a bold spirit which feared nothing and was appalled by no obstacles." My brother became an understudy to the president and his shock-absorber, keeping order on the campus, waging controversies in the press, addressing clubs and assemblies, pleading for universal education, bearding hostile religious bodies, and always taking the side of the poor and the neglected.

At this time Brother was pursuing a course in law, expecting to leave the University. There was something narrowing in his surroundings, he felt. He was irked by the hang-over of the past: suppression of free speech and crystallization of religious thought. Not to be regular in religion or politics was to place one's self under suspicion. On his desk might be found the liberal papers of the day, *Harper's Weekly*, *The Post*, and *The Nation*—periodicals in disfavor with his

associates. In his library were the *Origin of Species* and Spencer's *First Principles*—books which he must hide from public sight.

Once Walter Page arrived in the village and spent several days in Brother's home, discussing a new movement to found a Unitarian church at Charlotte, of which he himself was to be the preacher. Page explained that he intended, among other things, to draw the two races together in greater intimacy. Brother threw cold water on the project; it was premature. During the conversation Brother lamented the fact that free speech was proscribed. "In private men say what they like," he told Page, "but not in public." Page wished to know why Brother attended a certain church. "I throw beef to the lions," was the answer. Presently Brother rose, and going to a drawer picked up a key, and walked over to a stout chest from which he fished out two or three proscribed books, Volney's *Ruins of Empire*, Arnold's *Literature and Dogma*, and others. "These I keep under lock and key," he remarked. As a matter of fact I did not know of this conversation until some years afterward when I read it in an address Page delivered at McIver's Woman's College at Greensboro.

Soon after I entered the University a revival of religion took place in the Baptist Church, Dr. Pritchard, one of the former graduates and an orator of moving eloquence, coming over to do the preaching. And so persuasive was the Doctor that, at the end of two weeks, he had stirred the community to the center and rounded up fifty or more converts, including half the students. Indeed those fourteen days had been a religious orgy. Stores were closed, recitations suspended, and Methodists, Presbyterians, and an occasional Episcopalian had co-operated with their Baptist brethren.

And, until the last meeting, all went merry as a marriage bell. But on that last evening good fellowship took flight. The powerful evangelist launched into a controversial sub-

ject. Taking his text from the Acts of the Apostles, "Repent and be baptized every one of you," the preacher lived up to his theme. He rubbed in the thought that repentance must precede baptism and could not follow it. One must repent before being baptized, and in order to repent one must be old enough to reason. It followed that infant baptism was absurd—not only absurd but a stumbling block. At the end of an hour the sect-intoxicated orator called upon all who would take Christ at his word and were willing to go down under the water with him, and be buried in baptism, to come forward to the mourners' bench. Up went the students, by tens and twenties, creating great embarrassment. What would become of those churches whose chief tenet was infant baptism, the Presbyterians, the Methodists and the Episcopalians?

That night the bewildered pedo-Baptists conferred and sent out a call for Dr. Watkins, the eloquent Presbyterian divine in Raleigh. He must come at once, Pritchard must not go unanswered. The next day, Sunday, Watkins faced a full house and the entire student body. I can hear him now, earnest and devout, as he replied to the "uncalled-for attack" and the "presumptuous claims" of the revivalist. "Oh, God," he whispered, in soft melting tones, his hands raised heavenward, "may our Baptist brethren claim that they are the only church? Were the saints and martyrs who toiled and died in Thy cause men without a church, were they all wrong? Shall the evening star, up yonder in the sky, as it twinkles and sparkles, shall it say to the astral world round about, I, I am the only star in the firmament?" The Doctor's curl, as we boys called a nice rhetorical flourish, had the desired effect. The mourners were parceled out equitably, that is *per stirpes*, in accordance with the church affiliations of their respective parents.

It is a strange thing that I took no part in this revival, or in Mrs. Moon's moving religious meetings which followed. Though I attended the services, I was but a looker-on. I was

not greatly stirred. In fact I did not get religion. I do not claim credit for my attitude in this thing. Yet I do not censure myself. I am not a demonstrative person. Early in life I discovered that I was but an old-fashioned fellow, imaginative but individual. Though I was moved by Southern prejudices, growing out of Appomattox, Reconstruction and the enfranchisement of the Negro, I was not overwrought. I realized that life is a matter of give and take. Nature never moves by leaps and bounds. "Here a little, there a little," is nature's rule. And though I could not have formulated my creed I managed to live up to it.

I therefore sat on the side lines, a spectator, and watched the surge of passion, the sweep of feeling as hundreds of pulpits and stumps thundered. And this I did without condemnation or cynicism. If I did not go up to the mourners' bench I did not ridicule those who did. Those crude attempts at human advancement interested me. And yet I must add this. Some of my college mates who took part in those meetings and went up to the mourners' bench did so in a spirit of devilment, as Voltaire did when he erected his chapel to God. For this mockery I will say that some of the students were dismissed.

There was a mere handful of Republicans in college, the feeling against the Radical or "Negro party" being so bitter that the sons of wealthy Republicans went to Northern colleges and the poorer boys remained away. A notable exception was that of Robert Albertson. Though a Republican, Bob was respected, but soon after graduating felt out of place and moved far away—to the Pacific coast—where he became a useful judge.

The case of Samuel Phillips is also in point. Phillips was a brother of our professor of mathematics, and of Cornelia Phillips Spencer, whom Vance pronounced not only the smartest woman in the state but the smartest man also! After the war Phillips joined the Republicans and was appointed

Solicitor General by Grant. In the political campaign of 1876 I heard him address the people of Chapel Hill. He urged them to vote the Republican ticket from constable to President.

He also remarked upon the arrogance of Southern whites and their sense of superiority and warned the haughty Anglo-Saxon that pride cometh before a fall. He then went on to illustrate. "Two thousand years ago," said he, "the proud Romans looked down upon the uncouth Teutons, even as you white men today despise the blacks. And note the result. Ere long the haughty Roman was an humble Italian, grinding an organ, as his monkey, tricked out in cap and bells, was holding out his hand to staring children for a penny. Today the despised Teuton is ruling the world."

The Phillips family were liberal people, having been Whigs, opposed to secession and war. But their liberality was a stumbling block. In the late '70's General Phillips exiled himself, left the state. Mrs. Spencer also departed and died in a distant land. She was the patron saint of our University and wrote the college songs and hymns, sung to this day. The Phillips name with us is now extinct.

In 1876 Vance and Settle were opposing candidates for the governorship and spoke in Hillsboro, about twelve miles from the Hill. Many of the students attended this famed and now historical event. Seated on the limb of a tree above the contending orators, I witnessed the remarkable spectacle—a surging mass of humanity losing itself in uproarious laughter and the wildest applause, as Zeb Vance, a people's idol, cracked his inimitable jokes and defined the Radical party: "Begotten by a scalawag out of a mulatto and born in a stillhouse." Those were rough times and Vance their exponent, but in later years he became more scholarly and conservative.

In the Vance and Settle debates I must admit that but for one handicap Settle would have given his opponent a harder tussle. During the war Settle was a captain and prior had

been a Democrat and a secession Democrat at that, drawbacks which precluded him from attacking the Democracy at its weakest point. Three or four congressional districts in North Carolina went Republican, for many years, because the Civil War was charged up to the secession Democracy.

Soon after Brother Frank and I returned from the Vance-Settle debate Father wrote that we might visit Philadelphia and attend the Centennial Exposition. This occasion was memorable, and especially interesting and profitable to me who had never before seen a city. The theaters captivated me. Brother and I lost our hearts to that fatherly and glorious master of the stage, Denman Thompson, in *The Old Homestead*. We fairly shouted for joy as a yoke of red oxen, so natural and homelike, slung slowly across the boards, hauling a farm wagon, piled to the very top with the sweetest-smelling hay.

The art gallery interested me, though I had scant appreciation of painting or sculpture. I saw Powers' Greek Slave and other notable works of art, but they did not speak to me as two other modest specimens. One of these was a hare, a timid little thing, shot through the heart and hanging with its head down from a cabin door, a red tell-tale stream trickling from a vital part. The other, a woman's head of butter kept icy cold, her profile clear-cut, features classic and hair modestly braided. Now in this little piece of art, I am sure, it was not the work of the artist I beheld, it was my old home down on the Cashie and the face of my mother.

One night Brother and I went out and saw a new and naughty play, *The Black Crook*, with its bevy of girls in tights, its devils and imps, tricked out in myriad hues of colors and shooting up from trap doors, in every direction, amidst calcium lights that dazzled and bewildered. Each day at noon we would sit in Machinery Hall, with thousands of tired, happy, human beings, and munch the lunch which Mrs. Vick, our boarding-house keeper, had prepared and listen to

the matchless Levy on his silver cornet. Shall I ever again hear the "Last Rose of Summer" as Levy interpreted it in those mellow October days?

In connection with *The Black Crook* an amusing incident occurred. It was related to me by my old friend Charlie Shepherd. Charlie said that one morning, when the news leaked out in Windsor that the two Winston boys had gone all the way to Philadelphia to see the Big Show, he met Father on the street and asked him if the report were really true. He was told it was. "And what do you reckon Frank and Bob are doing about now, Mr. Winston?" Charlie asked. "Well, Shipherd," said Father, "about now, I'd say Frank is out buying tickets to *The Black Crook* and swearing Bob not to tell the Old Horse!"

The Centennial was without any doubt the most useful experience of my young days—it projected me ten years into the future. The flashing city lights, the smell of the gas in Chestnut Street theater, the gay, happy, fun-loving crowd, the roar of the city, the immense twenty-five-thousand-horse-power Corliss engine, turning every wheel and machine in the Exposition grounds, these new and strange sights changed the fifteen-year-old country chap into something of a cosmopolitan!

I remember a wonderful top I bought, D. Dudley's Improved Gyroscope, it was called. Can I ever forget it? It cost me thirty-five cents. And one afternoon, as I sat on the banks of the Schuylkill, spinning my top and wondering how the rotation of a little iron wheel could overcome gravity and support so much opposing weight, my precious toy broke loose, and down the slope it rolled into ten feet of water. Poor as I was, I purchased another and carried it back to Chapel Hill as a trophy of the Exposition. On Ohio Day General Rutherford B. Hayes, Republican candidate for President, seated on a spanking horse, appeared in the grounds



and, as the electoral scandal had not yet occurred, was heartily cheered.

Just fifty years after this Ohio Day I was at Williamstown, Massachusetts. There I saw something of Betty Ballinger, of Galveston, Texas, a woman of rare personality, whose aunt had married Judge Miller of the United States Supreme Court. Judge Miller had been one of the Commission which turned Tilden out and put Hayes in the Presidency. Miss Ballinger related a conversation which took place between her father and the Justice. "Sam," said the Galveston lawyer to his brother-in-law, "how under the sun did you manage to decide it was lawful to go behind the returns from Florida but it was not lawful to go behind the returns from Oregon?" "Oh, Tom," was the reply, "you know it was too soon after the Rebellion to hand the government over to the rebels. Why, I didn't even look at the evidence, I wanted peace."

Our visit to the Centennial was made doubly happy by an unexpected incident. Father and Mother and little Sister and Lucy Long, her eighteen-year-old colored nurse—alert, witty, as straight as an Indian, and alas, with the best white blood of Bertie coursing through her veins—came on to the Centennial and arrived a few days after Brother and me. Not knowing our address, the whole party, Lucy in particular, were keen to run into us. Now it happened that Father's little group and Brother and I went to see *The Old Homestead* on the same evening, they sitting in the parquet circle, well up to the left and under the footlights, and we, in the pit, some distance back to the right. Fully a hundred feet separated us. Presently the first act ended and the bright lights were flashed on. Then the keen-eyed Lucy espied us. "Lord Gawd," she screamed, clapping her hands with unrestrained glee, "if yonder ain't Marse Frank and Marse Robert!" I am sure the theatergoers that night got the worth of their money.

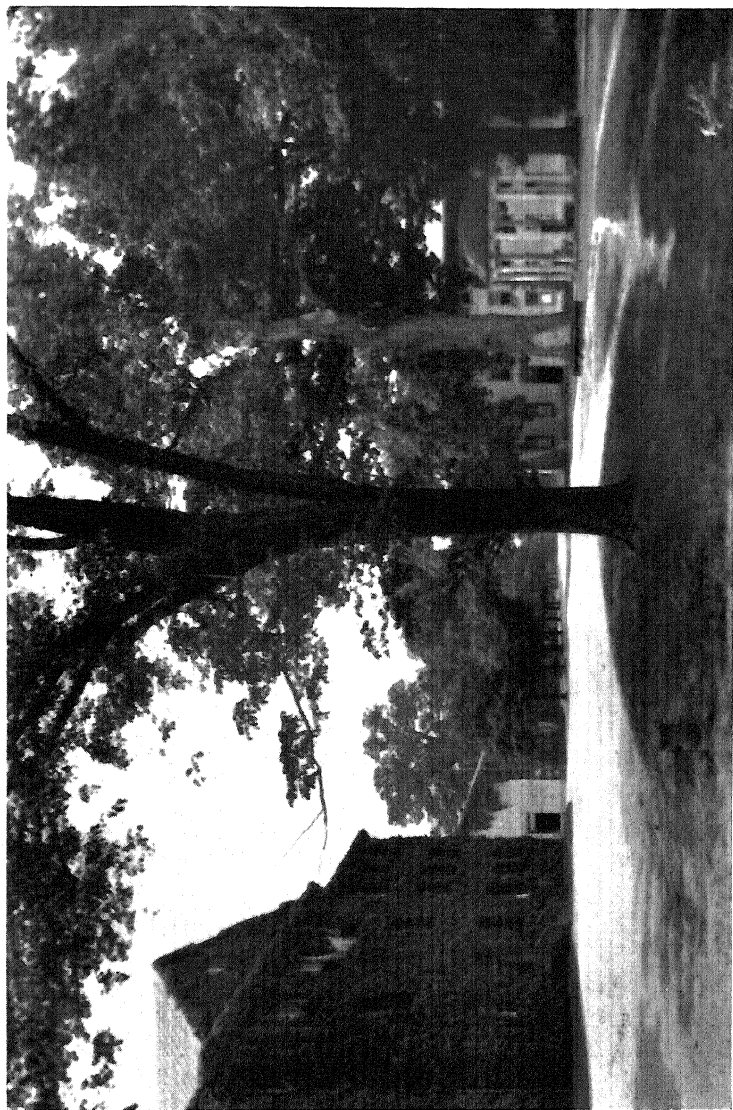
## CHAPTER VIII

### UNDER THE DAVIE POPLAR

AS the fourth year of college approached, my timidity began to wear away. Not only were my studies more congenial but my health had improved. Gradually, I was coming to myself and beginning to mingle with the boys and join in their excesses. One night four of us hiked out five miles through the woods to Sykes' moonshine distillery hid away in the underbrush on New Hope Creek. After filling a two gallon demijohn with raw corn liquor and stringing the jug on a pole, suspended from shoulder to shoulder, we set out for the campus, making the early morning hours hideous with our songs, "Upidee," "Aunt Dinah's Quilting Party," "Roll, Jordan, Roll," "Good Night, Ladies." The next day the report of my scholarship and general deportment arrived and I was depicted as a model student, above reproach, *sans peur et sans reproche*. But, as a matter of fact, I felt much more like Bunyan's Mr. Facing Two Ways than the Chevalier Bayard.

The spirit of hopefulness in college was so unusual as to bear emphasizing. We are told that, following the Thirty Years' War, people were emaciated and dispirited to such an extent that they actually sweat blood. And we know that, following the World War, mankind was disheartened and bewildered. But after the American conflict no such conditions existed. On the contrary, the South, as a whole, and our little University, in particular, went forward, asking neither pity nor charity.

One of our chief sources of amusement was the village negroes, whose relations with the whites were cordial, sometimes too cordial. First of all there was our janitor, Wilson



CHAPEL HILL—THE WELL, THE SOUTH BUILDING AND THE OLD WEST BUILDING



Caldwell, a remarkable figure. In Reconstruction days Wils had been a justice of the peace, but, about 1876, when the negroes were disfranchised, he lost his office and went back to hard labor without grumbling. Tall, erect, copper-colored, Wils was courteous, capable and full of quiet laughter. He was also frugal and ambitious. Therefore, when the Durham tobacco king offered him the position of butler, he left us. In about a month he was back on the Hill and applying to President Battle for his old job. "Why, Wilson," said the President, "I understood you were living in Durham." "Yes, sir," said Wils, "so I was, sir, but, to tell the God's truth, sir, Durham ain't no place for a literary gent."

Jordan Weaver, the colored preacher, supplied our nocturnal 'possum suppers. "Goobers tonight, gents," Jordan would smile, as he entered our quarters at any hour of the night. Bowing and gracious, he would remove the cloth from his basket and exhibit pies and cakes and a fat, greasy 'possum. Nor would it faze him when we insisted that he produce the head of the animal as evidence it was not a cat!

Once the University magazine flung-off on a rival college with the statement that the Reverend Jordan Weaver, D.D., LL.D., had accepted an invitation to preach the sermon at the next Wake Forest commencement. A tempest in a teapot followed and the editor was ordered to apologize. This he did in the following manner. "In our last issue, we stated that Reverend Jordan Weaver would preach the baccalaureate sermon at Wake Forest College, next June. In this we were mistaken, and hasten to say the Reverend Weaver has declined the invitation!"

A queer specimen of humanity was Benny Booth, a coal-black little negro whose skull was as tough as a gum tree, and shaped, for all the world, like a cocoanut. Ben's head was his source of income. For the price of a dime he would permit anyone to split a plank, not thicker than a half inch, across his naked skull. Nor would he bat an eye or flinch

or seem to suffer the least pain. But the negro who most puzzled and interested me was the village barber, Tom Dunstan, whose shop joined the post office. Tom's color was ginger-cake, his manner restrained, natural and original, and when he would mimic certain members of the faculty and accentuate their peculiarities we would simply explode with laughter. When Tom moved about he did not walk, he shuffled along and was slue-footed. His teeth were snagged and altogether he was as unpromising a specimen of humanity as one ever saw. How so vulgar a being could have fascinated the most cultured of our students remains a puzzle, unless we find an explanation in the fact that he dealt in topics of sex.

On the main street of the village there abode, or to be more accurate, hung out, a negro woman, plump, buxom, and ebony-hued. Sally Cave's jolly face was always wreathed in smiles and, like her forbears in darkest Africa, she simply throbbed with passion. In the course of time this wild creature got with child and, by the strangest stroke of luck, the father of the waif proved to be the only Northern professor on the Hill. A splendid fellow, learned and greatly beloved, he had come down to us from Michigan. The facility of such performances, the novelty, the absence of serious complications, and a change of climate, no doubt, had beguiled our sedate professor and, unlike Joseph with Potiphar's wife, he had fallen. When the baby came we named her Annie Arbor!

During the hundred and fifty years of the University's existence more than twenty thousand youngsters have roamed the campus—lusty, full-blooded fellows. During the same period there have been in the village hundreds of complacent, sable daughters of Ham. On every street corner they have smiled; amorous, absorbed by a sexual frenzy and honored by intercourse with the sons of their late masters. Yet the paternity of no mulatto, except that of Annie Arbor, has been

definitely established. A phenomenon which is passed on for solution to the biologist.<sup>1</sup> A persistent rumor that George Trice, our stately, bronzed shoemaker, was the son of Zeb Vance is without foundation, George being fully as old as his aforesaid putative father!

At this point if anyone should inquire how it came to pass that the American Negro, originally black, had become so far Caucasianized that three million of them are mulattos, the question must await future discussion.

Bad luck befell another Northern professor, due to the fact that he was unused to Southern manners. This professor was a giant in size but nervous and fractious, the slightest noise disturbing his equanimity. One morning in the classroom he blurted out to the boys who were scraping their feet that they were not gentlemen and he was not going to stand for such insolence. Now a remark of this kind, to a Southern boy, means a fight. Therefore a high-strung youngster stepped up to the desk and said, "See here, Professor, you have insulted me, and unless you apologize I'll whale hell out of you." An apology followed but the Professor soon left us. A good illustration of Southern strength and also of Southern weakness.

Though native professors were sometimes severe with students they kept out of trouble by avoiding insulting language. In those careless, happy-go-lucky days, the country was flooded with spurious, empty titles, every person being either a colonel, a major, or a professor, at the least. Tom Dunstan signed himself professor of the tonsorial art. It was during this perfervid period of mock grandeur that Brother George one day directed Tom Vance, son of the Senator, to go to the board and put a fable of Aesop's into Latin. Presently

<sup>1</sup> Yet an authenticated incident may facilitate its easy solution. A colored girl, haled into court to declare the father of her putative child, snickered and retorted, "How I know hits Daddy? Rabbit run through briar patch, do she know what briar scratch her?"

Tom finished the work and, in a spirit of devilment, wrote his name, prefixing the title "Professor."

Pretty soon, Brother turned to examine the board and discovered the presumptuous word, around which he drew a chalk mark, quietly remarking, "Well, young gentlemen, the title seems to have struck bottom at last."

On one occasion Professor Graves, whom we not only admired but considered the greatest prodigy since Archimedes or Euclid, was accounting for the persistent heat of the sun—due, perhaps, to contraction or to some kind of self-created suction extracting electricity from the surrounding ether or, more likely, to friction caused by the falling of moon and worlds and planets and meteors into the fiery mass.

"Why, that couldn't be, Professor," broke in Brother Frank, "or we would see the sparks fly."

"Humph!" said Graves, with the utmost contempt. "You can see a cow down yonder in front of Mickles' store, but can you see the fly on her back?"

"No, sir, but we can see her switch her tail to brush the fly off."

As the class snickered and giggled the Professor recovered sufficiently to remark, "You'd better be crying over your ignorance instead of laughing." Such scenes as these, though often more ridiculous, were happening in nearly every classroom.

The saving salt in college life was the literary societies, there being two, the Philanthropic and the Dialectic. All students were required to join one or the other, Eastern boys being Phis and Western, Dis. Every Friday evening we met, the session often running on until after midnight. Our program was interesting and varied, consisting of declamations, original compositions, and debates. The declamation work was as nearly perfect as any I have ever known. The subjects were not only selected from good literature but the manner of delivery was remarkable in accent, modulation and gesture.



On the third floor of the South Building, just across the hall from me, there roomed a chap named Thomas. By the hour, I would hear him practicing declamation. Sometimes I would go to his room and there I would discover him standing before the mirror watching every gesture and every motion of his body. A bundle of nerves, almost eaten up by ambition, Thomas would declare there was, in the halls of Congress, a hatrack waiting for his hat. And so there was. Thomas served six or eight terms in Congress.

Our debates likewise were of a high order, though the subjects discussed were academic and historical. Burning questions of the day had not entered our campus. We wrestled with such queries as the legality of the execution of Lady Jane Grey, we debated the relative greatness of Napoleon and Wellington, we inquired if a lie were ever justifiable or if perpetual motion were possible. Many a day I have wandered through the tangled wildwood, over by Roaring Fountain, the Meeting of the Waters, and often out to the Iron Mine. And as I strolled I am sure I entranced the very birds as I spouted the eloquent remarks with which I was to regale the Phi Hall at its next session. Nor did I and my fellows fail to enrich our debates by contact with the professors and by reading widely in history and biography.

Though the average Southerner has always been long on speech-making he has been short on written composition. At least such was the case with us. Our composition work was poor: thin, pedantic and sometimes plagiarized. In our Society two correctors did duty, one supervising compositions and declamations, the other debates. Their comments were often excellent, frequently caustic. In the University library there was a popular book, written by Dr. Todd and called *The Student's Manual*, and, in the mathematical department, a text-book, Todhunter's *Algebra*. Now in Todd's *Manual* there is an interesting chapter entitled Habits, which a brilliant but lazy boy copied, word for word. No sooner had

the corrector heard the composition than he spotted its author and knew it was copied from Todd. His only comment was to ask this question, "Why should Mr. Blank be a good mathematician?" The answer, of course, being, "Because he is a great Todd-hunter."

In this restricted environment, I was still but a boy and too young to understand the significance of things. The provincial quality of our instruction gave me no concern nor did the grave negro problem. The fact that my native land was sensitive, self-satisfied, and living in the past did not irk me. I was likewise impervious to the harm of brigadier rule and of the Solid South. Our public schools were open only three months in the year and were operated under a system outworn and ineffectual. The one-crop heresy and King Cotton were exhausting Father's Roanoke plantations. Agriculture was dying and there were neither factories nor other industries to take its place. Yet these ominous conditions did not move me; in truth, I was not aware of them.

And yet I was able to put my finger on a few sore spots. Our commencement orations disappointed me; they were flat and perfunctory. In other sections scholars and public-spirited citizens were speaking plainly and criticizing what was wrong. In the South, with the possible exception of Georgia, such was not the case. Our politicians moved in well-worn ruts. We had no Emerson with his Divinity School address, we had no Adams to declare that University life was useless and hurtful.

I recall three supposedly great commencement orations, one by General Ransom, another by Senator Vance and the third by Governor Fowle. And such twaddle! Bits of poetry, reminiscences, flattery, insipid advice, glorification of the past, classical allusions. The beauty of Southern women, the bravery of Southern men. No creative ideas, no constructive criticism. Nothing from Karl Marx or from Shelley

or Darwin or Whitman. No message from the new, throbbing, outside world. No program of progress.

Ransom, the superb, six feet two inches and considered our greatest orator, as he stood on the rostrum of Gerrard Hall and spoke to us, looked the Roman Senator. But, when he came to the business in hand he dealt in platitudes and empty compliments. He said that, like Edmund Burke before the University of Edinburgh, he was struck dumb. His emotions were too deep for words. These classic shades, this hallowed spot, this sacred hall, had unloosed the floodgates of memory. Though he had brought along a carefully prepared address, he could not deliver it. His heart was too full. The cold written word was inadequate. He had cast aside his manuscript, he had left it in his valise at the hotel. After this preparatory work, which many considered cooked-up, the orator plunged into the Civil War—the heroism of the Southern soldier, the matchless leadership of Lee and Jackson and the magnanimity of General Grant. Raising his hands on high he blessed his old comrades-in-arms who had followed him in the bloody battle of Plymouth. And as six of these grizzled warriors rose in the audience and their general called them by name, there was scarcely a dry eye in the house. “My countrymen! My God, my God, my countrymen!” These were his farewell soul-stirring words.

When Vance addressed us he did not affect the literary nor did he indulge in pathos, yet it was apparent he had given little time or study to his task. But, when Fowle delivered the commencement oration he soared aloft and flew the eagle bird. He reveled in Anglo-Saxon lore, gloried in the supremacy of the white race, appointed by God to rule the world. And the noblest type of this race were Josiah Turner and Randolph Shotwell, leaders of the Ku Klux. After he had paid a tribute to English jurisprudence and to Magna Charta, wrung from King John by the barons at Runnymede, he apotheosized the writ of habeas corpus, under which Turner

and Shotwell had been liberated from prison by that illustrious jurist and patriot, Judge Brooks. "We honor thee, George W. Brooks. Long may the marble that shall mark thy resting place remain in its native quarry! Long may it be before the daisies shall prank thy grassy grave, George W. Brooks." This was pretty enough and set the audience on fire, but, was it not all sauce and no meat?

Another hangover from the past likewise stirred my young soul: the Southern bully. This creature is an interesting study; he flourished in schools, in colleges and in politics. Usually a cool, dull, phlegmatic fellow, he was a master of mob psychology. In slavery days he had been the duelist. But when dueling was outlawed, he became the bully, the terror of a law-abiding community. Frequently he would provoke a fight and then proceed to kill his adversary in self-defense. Our college had its bullies. One day from my window in the South Building I witnessed a scene that greatly agitated me. A college bully turned on a chicken-hearted chap and cursed him as though he were a dog. This poor fellow had been fawning on his tormentor and now he was cowed and shrank away and was called yellow. He could never rally from this act of cowardice.

The only fisticuffs I ever approved took place on the campus near old lawyer Watson's home, across from the post office. The issue was poor against rich, plebs against patricians, anti-fraternity against fraternity. Temple was the Marius, the champion of the sans-culottes and McCorkle, the Sulla, the exponent of the aristocrats. In this fight I was wholly with the underdog. It seemed to me that my crowd, the aristocrats, were pressing the grapes too hard—taking an undue advantage. They should not have organized secret fraternities, contrary to law. Nor should they have used them to win out in college politics. But this I will say, there was never a more glorious boxing match. And it resulted in a draw.

Violence sometimes originated in the ballroom. Let someone be discourteous to a lady and her escort would be keen to avenge the insult. The word woman was never used to designate the sex. Such epithet was regarded as an affront. I have known two families who had been on friendly terms become permanently estranged because of the use of the term woman instead of lady.

This sensitiveness, and this violence, is not difficult of explanation. It was the offspring of slavery days; it was inevitable. In the matter of slavery the South had been wrong. Slavery could not be justified. It had been condemned by the entire world. Yet the South undertook to justify slavery; she loudly proclaimed that slavery was right, morally, politically, and socially. In this course the South was indulging in rationalization; she was thinking crooked. Nor could the South think straight in this matter: to do so would have put an end to slavery. Hence, thought gave place to emotionalism.

These unhappy conditions bore heavily upon Brother George, and he resolved that I should avoid them. His plan was that I should leave the South, move to the state of Pennsylvania, where I would teach and study law at the same time. Often he would say to me that inhibitions, prejudices, sectionalism, religious bigotry, and the race problem were lions in the pathway of Southern progress. Why should I live amidst such untoward surroundings? Though I agreed to try my fortune in the North I did not accept Brother's conclusion that the South was so thoroughly fettered. Indeed, I thought we were doing about as well as could be expected under the circumstances.

In truth, at that very moment, constructive influences were at work in our University—forces destined to liberalize the state, move it forward, and raise it higher in the scale of intelligence. Charles B. Aycock was devouring Green's liberal *Short History of England* and preparing himself to

broadcast the doctrine of universal education. Charles D. McIver was incubating the idea of a university for women, making them the equal of men. My classmate, W. J. Peele, was wrestling with the thought of industrial education and the organization of a college of agriculture and engineering. Edwin A. Alderman was mastering the Latin tongue; shortly he was to enrich Southern thought and inaugurate a more universal literature. Horace Williams, unique and lonesome, was laying the foundation of a philosophy so broad as to fructify the state and set it on a pinnacle. J. Y. Joyner was mastering the art of teaching.

And not only were these youngsters at work in our University, but within sight of the little village of Chapel Hill there were two other factors. One, the development of Walter Page; the other, the rise of the Duke family. From the heights of Ghimghoul Castle, on the outskirts of the village as one looks south fifteen miles away, he may see Page's Siding. There was born Walter Page, master of expression, rural champion, author of *The Rebuilding of Old Commonwealths*—addresses, constructive, stimulating, worth their weight in gold, the very opposite to all that North Carolina had ever heard or dreamed of.

And, on the other side of the village as one looks east from Tinney's Terrace, fifteen miles away he may see a grove sheltering the Duke farmstead. Here were toiling Washington Duke and his sons, Brodie, Ben, and Buck—a family destined to harness the rivers of Canada and the United States, to install hydro-electric plants, to spin the cotton crop of the South, to incorporate tobacco factories and remove ginseng from the mouths of Asiatics and supply them with tobacco. A family indeed which amassed untold wealth, endowed hospitals and founded a great liberal university. . . .

At length my college days came to an end. I was graduated. My fourth commencement was at hand, and there were flowers and flounces, and a grand ball with music, by

a band which had come all the way from Richmond. And presently the senior orations came off, the judges being the state's eminent sons, Governor Jarvis, Governor Fowle, and Congressman Leech. And I was awarded the much-covered Mangum medal, while thousands in and around Gerrard Hall applauded and, on the hundred acre grove round about, jacks brayed and horses whinnied in unison. . . .

In one conclusion, at least, I think the psychologists are correct. In order for a subnormal person to overcome timidity he must accomplish some task, be made to feel that he is somebody, a man among men. Certainly such was my case. Three times I had been thus stimulated, thrice I had felt I was moving forward. When a junior I had been chosen by ballot president of the literary society. In a contest for the commencement orator I had also won out. And now, at graduation, I was the Mangum medalist, and beginning to feel my oats or, as the psychologists would remark, my Ego was in process of rehabilitation.

## CHAPTER IX

### DOWN BY THE RIVERSIDE

WELL pleased with my four years of college, though poorly educated, I set out, in a leisurely way, for home, stopping off a few days at the capital of the state, a delightful little place called the City of Oaks. At that time Raleigh's flowers and forest trees were marred by unsightly residences, vulgar towers, unshapely roofs and cheap trimmings smiting one in the face. In the entire town there were only two pieces of real architecture, the capitol and Christ Church, the former with graceful, self-supporting stairs, the latter having a pleasing English cloister and a steeple crowned with Peter's crowning cock and not the conventional cross. Rumor had it that Sunset Cox and wife once came down from New York to get a look at this masterpiece of Hobart Upjohn.

My stop-off in Raleigh however was not to inspect works of art but to visit Father's kinsman Thomas C. Fuller. The Colonel was good company, full of funny stories which he told with the abandon of an old-timer. He had been a lieutenant in Starr's battery and a member of the Confederate Congress. After the war he was elected to the national Congress but was refused a seat because his "rebel" disabilities had not been removed. He afterwards became a U. S. Judge, and looked the distinguished part. A grand manner, winning ways, great liquid eyes in a massive head, and a long flowing mustache, which gave him such a leonine aspect that old lawyer Mark Lanier used to say if he could only pull that lion's skin off, Fuller wouldn't win so many cases!

The Colonel and my uncle had been playboys together and he could tell me all about our kinspeople. How our



great-great-grandmother was born on the island of Bermuda and had seven brothers in the Revolution. Her daughter Sarah married great-grandfather Fuller, a Hard-Shell Baptist preacher. This grandmother of mine must have been a prodigy. She had not a strand of hair on her tremendous, bald head and was so well versed in the Scriptures that she was called a Scriptorian, that is, was skillful in dividing the Word. Once, when Grandfather had grown old and was in his dotage, his thorough-going spouse came upon him reading the Bible, sniffing and crying.

"Now, Mr. Fuller," she said, "what is the matter this time?"

"Oh, how I wish I had one of those ram's horns, to blow down the walls of wickedness."

"Mr. Fuller, you listen to me. If you were called to preach you haven't blown that ram's horn near enough and if you were not called you've blown it entirely too much. So, you keep quiet!"

Her daughter Anne married Grandfather George Winston. Very dignified but very convivial, he sported a gold-headed cane and a long coat and got off wonderful witticisms. Heredity, he would call hereditary. A tavern in the valley at Franklinton, where the planters would gather for occasional sprees, he nicknamed Hell in the Hollow. Though the old man was proud of his four sons he was disposed to fling off on the youngest, perhaps the wittiest member of the family, because he refused an education. On one occasion, when the old gentleman and his cronies were gathered at Hell in the Hollow, he amused them by characterizing his four boys—Duncan, a teacher, Patrick, a lawyer, John, a doctor, and Tom, as he laughingly said, a damn fool.

Now this little joke was too good to keep and, of course, got out. Next Sunday, at Sandy Creek Meeting House, Baldy Pierce called up the crowd and repeated it.

"I God, boys," Baldy laughed, "have you hearn old man George Winston's latest? He says he's got four boys, Dun-

can, a school-teacher, Pat, a lawyer, John, a doctor, and Tom, a damn fool."

Whereupon my uncle Tom quietly replied, "Well now, Baldy, the only difference between my daddy's four boys and yours is that only one of us is a damn fool but all of you all are damn fools."

In 1876 the Force Bill was in operation and United States troops swarmed around, supervising elections and enraging the whites. When Uncle Tom went to the polls to vote for Tilden and Hendricks one of these supervisors stepped in and entered a challenge. Thereupon my impulsive kinsman spat a mouthful of tobacco juice in his face. He was arrested and convicted and no doubt would have gone to prison but for our kinsman, Captain Charles Mather Cooke, a descendant of Cotton Mather, and Captain Joe Davis, a hero of Gettysburg and the congressman of the district. I have always thought General Grant, who had a warm spot in his heart for Confederates, interfered and saved Uncle from a prison term.

After a visit to the Fullers, I continued my homeward journey and what was my joy to discover that the train-conductor was my old friend Captain Timberlake and the engine—or "bullgine," as negroes called it—which pulled us was another old friend, the Chockoyotte, with its brave figure of a little black boy dressed in a red jacket, a jaunty cap and top boots, and standing above the cow-catcher, waving a dandy little flag, just as he used to do when we were refugees at Springfield. And as the Chockoyotte was crossing the Tar River bridge, two miles from our old home, I went out on the rear platform and gazed over the scenes of my childhood. I could see old Andrew, shuffling around and mimicking the engine, "Chew-e-chew, chew-e-chew!"

At Seaboard, Andrew met me with our carriage and horses, and I left the cars and started on the long fifty-mile drive to Windsor. And along the road every object bade me wel-

come. The feathery dogfennel, nodding above the tall worm fence, the soft gray moss, drooping down from cypress and juniper, the homely pokeberry, the bad-smelling jimson weed, with its gorgeous flowers, the white sand, crunching against the slow carriage wheels, the cool, shady stream, as the horses stopped to drink. Even the squalid negro cabins and the barefoot, lousy, shirt-tailed little urchins, sitting on the fence, darting in and out, as alert as the squirrels that chattered in the near-by swamps: all these humble, familiar scenes gladdened my heart and made me feel I was drawing near home and soon would hear Tiger's deep-mouthed baying as I entered the avenue leading up to the Castle.

Windsor I found the same delightfully sluggish village of four years before. Though times were harder, cotton having dropped from twenty cents to nine and labor being more inefficient, who cared about these trifling matters? Life in Windsor, like the gently flowing Cashie, was unruffled by passing events. In the entire county there was no telegraph line, no railroad, no whistle of factory to disturb the equanimity. Negroes did the work, white folks, the bossing!

"Hurrah for hell—who cares for breakfast?" would be Charlie Shepherd's challenge to fate, as he and Cousin Watt Tayloe and Bug Dave Outlaw and Tom Gulley would go down Cashie Neck deer-hunting. There was indeed fun and frolic for all. Checkers and backgammon and old sledge and croquet and marbles, for the more refined; loafing about the streets, drinking, spinning yarns, fishing, hunting and carousing, for the roughnecks—a state of affairs which would have delighted Rip Van Winkle but was so distasteful to my proud, aspiring father that he was ill at ease and called them Windsorisms, and shipped his children off to school before they were ten.

On a certain occasion, when the Governor came down and visited his native county, he stayed out in the country with a brother and at night neighbors called, one of whom casually

remarked that the mud hole this side Dewer's Cross-roads was worse than he ever saw it. "But," broke in a cousin, "the mud hole ain't this side, hit's tother side."

"Well, I say hit ain't."

"And I say hit is."

"Well, oughtn't I know, ain't I just from there?"

"Damn your hide, do you mean to call me a liar?"

"Yes, by God, I do, if you say that thar mud hole ain't this side."

And at each other's throats they flew and, but for the interference of friends, the battle of the mud hole would doubtless have been fought.

Undoubtedly, Father had done well to send me off to school at an early age. If I had been left to my impulses I would have floated with the stream and Windsor would have beguiled me. In John Pete Rascoe's store I would have been a clerk at fifty dollars a month, measuring calico, weighing side-meat, drawing molasses and kerosene. Certainly, Chancellor Erskine was not more brokenhearted when he failed to land the job of training a little Scotch Presbyterian church choir than I, when forced to forego a clerkship in Rascoe's store.

Until the summer of 1879 I had not realized the importance of rivers and other waters to Bertie and Eastern Carolina. Beyond all doubt, the story of this section is the story of water. The broad Atlantic, the Albemarle Sound, the Pamlico, the Ocracoke, Bogue, Core, Masonboro, and the Currituck. The Chowan River, the Roanoke, the Tar, the Neuse, the Cape Fear, the Alligator, the Pasquotank, the Perquimans. Lake Waccamaw, Lake Scuppernong, Lake Matamuskeet.

Without the Cashie what would Bertie County be? Egypt without the Nile. Rising in Rice's mill pond, just above Windsor, meandering slowly through Lake Bailey, fifty feet deep, encircling the town, its waters alive with fish, its banks rich with semi-tropical flora, Windsor's only outlet to the

world, truly the Cashie was a sacred stream. At least such old man Tom Castillow considered it.

One Saturday, as usual, this old fellow and his son Neely came up to town in their little skiff to witness the fun and purchase a few pounds of sugar. Towards the shank of the day father and son, pretty well soaked, began to think of home. Wandering down to the wharf, they placed the precious package on the bow of their craft and stepped unsteadily aboard. And then, misfortune of misfortune, "Gurgle, gurgle, gurgle," went the sugar into fifty feet of water. "Suck, Neely, suck, the Cooshie is sweetened," the old man frantically exclaimed!

The event of my summer was an excursion to Nag's Head aboard the ironclad steamship *Chowan*, Captain Aimsworth, red-faced and full of the most beautiful oaths, commanding, Bogart the first mate. Down the Cashie we sailed—Father, Mother, Sister and Lucy the colored maid, and I—and at Plymouth caught the *Chowan*. A short run on the Roanoke and down by the lighthouse, with Terrapin Point and Avoca off our larboard bow, touching at Edenton and Elizabeth City, and the gallant ship was headed for the broad waters beyond. Soon, off the mouth of the blustering Alligator, high winds rose, rocking the craft, dashing spray in the faces of belles and beaux locked in each other's arms, waltzing, laughing and screaming with joy, while in the saloon below numerous old cronies had gathered, sipping mint juleps, spinning yarns, and recalling days gone by, when life was worth living.

Scarcely had the excursion to Nag's Head ended, when our kinsfolk, the Capeharts, invited twelve of us, six boys and six girls, to visit Scotch Hall and Avoca. And then there was fun—a full week of it! Sailing down Edenton Bay, in swan-like sharpies, galloping saddle nags over to Governor Eden's old palace, gliding in dainty cypress boats up Salmon Creek and the winding Cashoke. The softest skies overhead, the

odor of the wild rose, round about the water, amber color, and a very fairyland of tiger lilies.

When I first arrived at home, a full-fledged graduate, I had not lost my dignity; in fact, I pleased Father no little. He and I discussed the subjects I had been studying, history, chemistry, and astronomy. I read his favorite authors and saw much of him. He told me about his college days at Chapel Hill and at Columbia University. My Mangum medal pleased him; he would take it in his hand and translate the inscription into English. *Fideli certa merces*: "A certain reward to the faithful." But very soon I tired of bookish things and longed for the fleshpots of Windsor. In truth, I soon became a Windsorite and was enrolled as a crack player of the famous game of knucks.

At about two o'clock each afternoon we would choose sides, four to the side, and from this time till dark the absorbing game, in front of William Stephens Gray's candy shop, would be on. Three small holes had been arranged, twelve feet apart, and in a straight line. The first hole was almost inaccessible, dug on top of a brickbat half buried in the ground or in the elevated root of a neighboring tree. Nip and tuck, hip and thigh, the contest would wage. As the game would draw to a close the sidewalks would scarcely hold the spectators who had come to witness the punishment the losing side must take. This punishment consisted of three shots upon each player's naked knuckles by a marble from the hands of his successful opponent. "Crack!" The marble would sound. "Ouch!" would fill the air, as the victim nursed his hand, and the crowd laughed and geyed without mercy.

Never a week passed without a fish-fry at Tiger Bill Rascoe's plantation, down on the Roanoke, or a picnic aboard the *Bertie*, sailing the picturesque Cashie. Scores of boys and girls crowding the deck, singing, dancing, and spreading out well-filled baskets of cake and melons and fried chicken, after we had cast anchor at Thunder Bolt or Sans Souci

or, a little further down, at Ryan's Landing. Sometimes we sailed as far as the meeting of the rivers, where the rough, mannish Roanoke ravishes, rapes the gentle Cashie, pouring in its turbid waters and polluting the stream much as Juvenal pictures the Syrian Orontes polluting the Tiber.

Many an afternoon when the robins were biting, a merry party of us, in Aaron Rascoe's yacht, the *Lizzie*, would wet our hooks in the creeks and inlets and bayous and guts which make into the Cashie—the most popular of them, Pa's Gut, so-called for fully eighty years, ever since Mr. George Gray, now a gray-haired old man, but then a lad of four, innocently remarked to a party of ladies and gentlemen, out on a fishing trip, that he knew the very best place to catch fish, "It was up Pa's Gut!"

Nothing short of court week indeed, or a political convention, could compete with the amusements of Windsor. And while Brother Pat did not indulge in the game of knucks, or other childish sports, he seemed to enjoy the courts. Often he would go on the circuit with the Judge and sundry gay Old Blades. These cronies attended the courts for the mere fun of the thing. In nearly every county there would be some old lawyer, pompous, and a veritable malaprop, to furnish amusement for Bench and Bar. Colonel Gaynor Carraway was one of these delightful old gentlemen. Once the Colonel was defending a fellow for embezzling money from an influential citizen named Boyle, and it became necessary that Boyle's testimony should be broken down. This the Colonel undertook to do.

"And now, gentlemen," he said, "I approach the testimony of Frank Boyle. Yes, gentlemen, the testimony of Mr. Boyle." Here the Colonel stalled and repeated several times. And then Brother Pat and John Moore came to his rescue.

"Say it's too thin, Colonel," Moore whispered.

"Yes, gentlemen." The Colonel brightened. "Mr. Boyle's testimony, it's two things, two things, gentlemen!—Two

things!! (a pause) I repeat: Colonel Boyle is one thing, and my client is another."

When General Stubbs, a much-beloved man, died, Colonel Carraway took part in the services. After Chief Justice Smith, Judge Shepherd, Father, and others had paid tributes to the deceased, the Colonel rose with great dignity, threw back his shoulders, adjusted his vest, scanned the large, cultured audience, and, in a deep bass voice, began. "Jesse—Rowland—Stubbs—is—dead! (A pause and a sage pursing of the lips.) His mother—I know—was a Rowland. (A longer pause.) His father—I have heard—was a Stubbs!"

Brother Patrick was a great joker. On one occasion he was employed to prosecute a negro for stealing a pig, an offense of almost nightly occurrence, at that time. "Gentlemen of the jury," he said, looking very serious, "in cases of this kind there are but three ingredients, the bill of indictment, the nigger, and the pig. Here, gentlemen, is the bill (waving it). There is the nigger (pointing to the prisoner). But where is the pig?"

I have referred to the political conventions which were no less exciting than the courts. The first convention I attended was at Edenton and the candidates were Major Yeates, Major Latham, and Captain Coke, each of whom had chartered a steamer to bring over his Bertie delegates. I found a place in the Coke boat, my father mildly supporting the Captain but not attending the convention. As we Coke men sailed across the Sound we were sure of victory. The very steamer, chugging along, sounded a note of victory. "Coke—Coke, Coke—Coke!" said the boat.

The chairman of the convention was the venerable Fenner Satterthwaite, of little Washington, and his task was a difficult one, the crowd being loud-spoken and full of grog. So noisy were they that the Chairman pounded with his gavel, and called upon the doorkeepers to restore order or remove the rowdy ones. "You fellows remind me of a bass



drum," he exclaimed. "You are nothing but noise." After numerous fights and fierce debates as to who should sit as a delegate, the roll-call began. At length Yeates was declared the nominee and was subsequently elected. I am sure fully three thousand grown men had given weeks of their time to this contest.

In '68 and again in '72 Republicans and negroes had carried North Carolina; but in '76 the state went Democratic. This result had been brought about, in many sections, by the use of tissue ballots, by fraudulent counts, and by the substitution of a salted ballot-box for the one in use—devices which all good men deplored. And yet what other course was possible? As we have seen, the negroes in Eastern Carolina outnumbered the whites, and the conservatives were forced to co-operate with radical Democrats. They were unwilling to turn over the government to an alien race.

In this view Father concurred, but my brothers did not. They concluded there was a middle course. At Chapel Hill Brother George, as we have seen, was longing for a freer life. My other brothers were likewise out of harmony with their surroundings. "Why should politics be cut and dried?" they were asking. Having seen something of the outside world they were dissatisfied with the inertia and self-complacency on every side. Why should not the state look to the rising sun and not to the setting?

No doubt the summer of 1879 is more deeply impressed upon my memory because I realized that I would soon leave my native land and live up North. Already I had made application to the Superintendent of Schools of Pennsylvania to teach and was expecting a favorable answer. But here again my plans were changed. My old schoolmaster tendered me a position at a salary of \$400 a year, board and quarters included. Having accepted this offer I became a pedagogue at Oxford, where I taught for one year—one of the most eventful of my life.

I not only taught school but acted Claude Melnotte in the *Lady of Lyons* and became engaged to the Pauline of the play, my old schoolmaster's daughter. And when I quit school-teaching and set out to become a lawyer I was so eager that I traveled straight through from Oxford to Chapel Hill by way of Hillsboro, seventy-five miles over bad roads, in a carry-all without springs or cushions, arriving at my brother's home at two o'clock on a broiling hot night in August.

## CHAPTER X

### LAW A JEALOUS MISTRESS

ONCE again I was living under Brother's roof and finding the association most stimulating. Though he was teaching a dead language he was far from dead. Animated with the scientific spirit of Cornell University, he was abreast of the times. In the classroom he was tracing the upward movement of the race, interpreting dead civilizations and explaining their collapse. The Greek, too ethical, the Roman, too practical and lacking in reverence. On the streets of Athens and Corinth, Roman soldiers might have been seen kicking around precious bits of sculpture. Lack of reverence and of personal independence had been the causes of Roman decadence. In the state, the Emperor was supreme, in the family the father equally despotic, not dignifying his daughters by naming them but numbering them, as they arrived in the world, Julia No. 1, Julia No. 2, etc.

Undoubtedly Brother was endeavoring to combine in himself the best qualities of these great peoples, but it was obvious he was moving toward the camp of the pragmatists. He was coming to feel that superstition, prejudice, and religious taboos would be removed by such biological geniuses as Darwin and Huxley, and the world would be re-made by them. Herbert Spencer, in *First Principles*, as he concluded, adequately interpreted life, and Buckle's *Introduction to Civilization* was thought-provoking. When Brother put me on to Buckle's sweeping theory—"If we knew our Yesterdays we would know our Tomorrows"—the idea had so engrossed me that I based my Mangum medal speech on that thesis and

called it "The Influence of Modern Inventions on Politics and Religion."

Other interesting events were happening on the Hill, the inauguration of a summer school, a school of agriculture and one for extending university courses to the people. But these failed to attract me. The University was now strengthened by the addition of many able professors: the scientist, Venable, the agricultural expert, Ledoux, the physicist, Gore, and that master of Shakespeare, Thomas Hume. Yet I must admit that I did not go out of my way to cultivate any of these great personalities.

I was not interested in college life. Down at Windsor, Father had urged me to commit Blackstone's definitions to memory, insisting that a knowledge of the fundamentals would be thus acquired. Our law instructor concurred in this view. I therefore became a walking Blackstonian. Not a definition, from first to last, escaped me. I could repeat them all. Equity was more unreal and more difficult. It took me quite a while to understand how a system of law and equity could exist side by side, mutually destructive of each other, as it seemed to me. I rather agreed with Lord Holt, in his controversy with Chancellor Ellesmere; if the equity courts could nullify a judgment of the law courts, equity was all, and law nothing. But I was in no way dismayed. Equity I took on faith and committed its maxims to memory.

While engaged in these intensive labors, I made a discovery—that the ear is as necessary in the acquisition of knowledge as the eye. Formerly, I had used the eye only, but now I began to use both eye and ear. Important principles of law I wrote on a sheet of paper. These definitions Brother would read aloud as we went tramping through the woods. Saturdays and Sundays he and I would cover miles, grilling each other as we strolled. Though he was now in line of promotion to the presidency he seemed more eager than ever to become

a lawyer. Having purchased a set of law books and mastered them, he would ask me the catch questions which his private study disclosed.

Fifty years after this period of intense application, I was having a round of golf with John Barton Payne, on the Chevy Chase course at Washington, and the Judge was beating me to a frazzle. "Judge," said I, "do tell me the secret of your fine game." "Concentration," the incisive man replied. One must not only keep his eye on the ball but his mind also. The old maxim, "Keep your eye on the ball," is a half truth only: Mind, eyes, body, thews, sinews, muscles, legs, arms, everything in fact, must be co-ordinated and get in the game.

It was on this intensive plan I was pursuing my law studies. And my only assets were concentration, ambition and aptitude for my task. Like my young friend Alderman, I had a decided disrelish for mathematics and physics, and quite a liking for the languages, history and literature. Yet my knowledge of these subjects was superficial. Though I knew many dates and the names of kings and battles, I failed to grasp their significance. The philosophy of history I had never heard of. I was quite ignorant of Karl Marx or of John Ball and his Dream or of Marco Polo and his travels. Though I knew that King Alfred was called Great and, when a fugitive, concealed in an old woman's house, had been roundly scolded for letting the cakes burn, I did not know why he was great. No one had ever told me that this good king wholly subordinated himself to the common good, co-ordinating warring factions, encouraging education, building roads, adjusting the finances, and taking a census of the people.

And my fellow law-students, some six or eight in all, were as ignorant as myself. Not one of them had a college diploma. But they were good fellows and full of mother wit. Merritt, who named his oldest son for me, was perhaps the brightest man of the class. Boone became an orator of local renown

and a circuit judge in Oklahoma. Rumph, a callow, overgrown South Carolina product, the boys would tease unmercifully. "Rumph-ph-ph-ph!" Tom Vance would squall, mimicking the sneeze of a billy-goat, and filling the campus with the unearthly sound. One morning, just before the class convened, Rumph opened his Blackstone and read aloud the statement that one Parliament cannot tie the hands of another.

"Acts of Parliament derogatory from the power of subsequent Parliaments bind not," runs the definition.

"God Almighty, boys," ejaculated the bewildered Rumph, "that's what I call high dick (dictionary)." I think it was the unusual position of the word "not" that puzzled brother Rumph.

Shep Dugger, author of *The Balsam Groves of the Grandfather*, was the poet of the class, and though our sister state, South Carolina, had its poet, we boys were willing to back our Shep against the world. While Coogler, the South Carolina bard, might produce such melodious lines as

Alas for the South her books have grown fewer  
She never was given to literature,

our Shep rose higher and struck a loftier note:

I seen my pa come stepping high  
'Twas of his walk the way . . .

A utilitarian, in thought and practice, Brother George finally became impatient with theory and theorists. Philosophy he called Foolosophy. Bacon, John Stuart Mill, and Macaulay he greatly admired. Humanity interested him, the individual did not. Man he considered but a cog in the wheel. Nature, so prodigal of the individual, so careful of the type. Napoleon, a mere blusterer; Pasteur, the patient student of nature, far his superior. Nothing so disgusted Brother as the fellow who strutted around, posing and spread-

ing his tail feathers. "Peacockery—fuss and feathers!" he would sneer.

Now, these utilitarian notions did not greatly influence me. Like Father, I was spiritually minded. As I reasoned it out, matter and spirit are somehow different. Water may be nothing more than hydrogen and oxygen, but a human being is more than the laboratory can discover. Yet I must make this confession, though I was a professed Idealist and my brother a thorough-going Rationalist, he was the better man of the two. While I was busy looking out for self, he was busy looking out for the other fellow, dreaming of the day when the poor boy in the South, as in New England, might start in the primary school and go through high school and university at the public expense.

I would not overrate Brother's influence, and yet a few facts are significant, indicating that he impressed others as well as myself. In the *History*, President Battle accorded him the highest praise. The University selected him to prepare the comprehensive *Brief*, which set forth her claim to popular favor and no doubt gave her a new lease of life. So great was his influence with the students, the faculty and the trustees, that he soon became president of the college. From his classroom went forth many scholars who became prominent in business and in the professions. The case of Edwin A. Alderman is interesting, he having become president of the University of North Carolina, of Tulane and of Virginia.

When Alderman entered the University he was so poorly prepared that he rarely attained the honor roll. In truth, the record shows that he was deficient in mathematics and in the sciences. But in Latin and German, which he took under Professor Winston, he became a real scholar, gradually rising from the grade of 70, as a freshman, to the grade of 90 odd, as a senior. The professor of Latin often remarked that he considered Alderman the most accomplished stylist he ever taught. Alderman took the full four-year course and became

so proficient that he could read Cicero and Virgil and Horace and the rest at sight.

One morning, Dr. Cornelia Phillips Spencer, an excellent linguist but of the old school and quite averse to the new Continental pronunciation—Kiser for Caesar, Kikero for Cicero, Wayne, weede, weeke, for Veni, vidi, vici—visited the four-year class in Latin, consisting of Alderman and only one other student. At the moment, Alderman was translating an oration of Edward Everett into the Latin of Tacitus—pronounced Tackituse. So thoroughly did the young student perform his task and so greatly impress Mrs. Spencer that she sent an account of her visit to the *Presbyterian Standard*. “Really, Mr. Alderman’s performance out-Tockatused Tockatus!” she wrote.

I must not, however, over-emphasize this phase of college life. I was back at the University to study law, not to discuss philosophy or biology. I was now on my own resources, as Father’s farms had become non-productive and his health was declining. Hence I must cease to drift with the tide, I must pay my own way through the law school. Gladly I accepted the position as tutor of Latin and mathematics, at a salary of \$100 a year, tuition thrown in for good measure. Two precious hours each day were thus wasted, but I did not feel the double burden. Young and vigorous, with a heart set upon the goal, I did not count the cost. Like St. Paul, I determined that this one thing I would do. I would study law to the exclusion of all else. Law became my jealous mistress. Blackstone’s *Commentaries* and Adams’ *Equity* wholly absorbed me.

A political canvass was waging, Jarvis, a conservative statesman, opposing Buxton, a high-grade Republican, for the governorship. General Hancock was a candidate for President, against General Garfield. But these exciting campaigns did not interest me; I remember one incident only, the fatal remark of Hancock that the tariff was a local issue. This



obvious truth, like many others, must be kept secret. General Hancock, surnamed the Superb, lost many votes in the South because of his connection with the hanging of Mary Surratt. When Mrs. Surratt was charged with the murder of Lincoln, Hancock was the marshal and executed the papers in the case. A writ of habeas corpus was directed to him by a judge in Washington, but he refused to obey it. Had he executed the writ, and produced Mrs. Surratt in court, more than likely she would have been acquitted, as her son John was two years later. In behalf of Hancock it must be said he followed instructions from the Attorney General to the effect that the writ had been suspended by Congress.

After a year at the law school I went down to the capital and applied for license to practice. And all but failed! Chief Justice Smith overwhelmed me with the most difficult, obsolete questions—common law practice and procedure which had long ago been abolished by statute. I have always thought the learned jurist did this to try me out and not to flunk me, his friendship for Father being a precious memory.

After the examinations were concluded, Thomas Ruffin, one of the examiners and a son of the great Chief Justice of the same name, came over and asked where I intended to practice law.

"In Oxford, sir," I replied.

"Merciful Heavens!" he exclaimed. "I would sooner have the seven years' itch than hear an Oxford lawyer cross-examine a witness!"

It was one of those rare days in June when, with law license and college degree—Robertus Watson Winston, Artium Baccalaureus Universitas Septent. Carol.—I set out upon my life-work, a penniless limb of the law. Never again to dream away idle days, never again to play checkers and croquet and knucks on the streets of Windsor, never to hear Charlie Shepherd's banjo ringing out,

Down by the riverside.



BOOK TWO  
ROOT HOG OR DIE



## CHAPTER XI

### “WELL, LAWYER, YOU’VE LOST YOUR CLIENTS”

UPON arriving at my new home, with less than five dollars in my pocket, I was put to my trumps. Forthwith I applied to a well-established lawyer, and asked admission into his firm. “My God! young man,” he replied, “I’m no lawyer, why, I don’t even know the canons of descent.” He then went on to urge me, for God’s sake, not to settle in a small town. “Go to some big place, as Sonny Sneed did. Why, a dozen years ago, Sneed left us and went to Memphis, and today is a great lawyer.” But my ambition did not soar so high; I was quite content with the little town of Oxford.

As the older lawyers had no need of a junior, I set out on my own hook. I rented an oddly shaped office—ten by twenty—above Ellis’ bar, paying three dollars a month, bought two or three split-bottom chairs at fifty cents each, rigged up a second-hand King heater, borrowed a slash pine table from my landlord, begged a Clark’s O.N.T. spool-cotton receptacle from Landis’s store and set it on my table. I spread out my scant stock of books, engaged room and board at Sheriff Jim Crews’ popular home, with sleeping quarters in the attic, hung up a tin sign with large, yellow letters—Robert W. Winston, Attorney & Counselor-at-Law—and waited for clients. But no clients came. Whereupon I hustled around for other means of subsistence.

Interviewing the owner of our weekly paper, *The Torch Light*, I satisfied him I was the very man needed as editor. The only terms I exacted were that under no circumstances was my name to appear at the masthead, nor was it to be

known that I was connected therewith. These precautions I took because I knew the law to be a jealous mistress and a lawyer must be a lawyer and nothing else. This work brought in ten dollars a month. My income was further increased by the sum of seventy-five dollars which I earned, laboring, night after night, calculating the tax list. But still not a soul came to gladden my heart.

Finally a client did show up, a barkeeper, charged with an assault, and conducted into my office by one of the strangest characters I ever knew, a mouthy, irresponsible, big-hearted young lawyer, a shyster in fact, whom everyone liked and no one trusted. "Winston," he smiled, "this is Bob Rice, charged with hitting a nigger over the head with a brickbat. Come over to Squire Blacknall's office at three and help me out and I'll split fees with you." Of course I accepted and set about to look up the law and scrutinize the bill, to see if it would hold water. And, to my great delight, I discovered it was defective.

Precisely at three o'clock I marched over to the Squire's office, armed with my authority, and rose and moved to quash the bill because it did not specify the size and shape and weight of the brick with which my client had beaten and wounded and maltreated the aforesaid prosecutor. This position I fortified by a recent decision. Squire Blacknall—staid and pompous, once having owned a hundred slaves and a thousand acres of land, but now threadbare—heard my motion, looked very wise, hesitated a moment and then wrote, "Action dismissed, at the cost of the prosecution."

Never was there a happier young lawyer than I, as I strutted out of the Squire's court and crossed over to my office, where my associate and I discussed the fee and agreed on twenty-five dollars, one-half to him and the other to me.

"And now," said he, "here's your half." And he handed me an order on our client for \$12.50. "Mr. R. W. Rice," the order ran. "Please pay to R. W. Winston, Esq., At-

torney-at-Law, the sum of \$12.50, that being the bal. you owe me."

In a few moments I was in Rice's bar to collect my part of the fee. "Bob," said I, with much gusto, "I will thank you to let me have the cash, at once, as I'm a little hard up."

Rice glanced at the note and broke into a loud laugh. "12.50? Me owe \$12.50? Why, damit, that's the exact amount that rascal owes me!"

Undoubtedly, the most helpless of God's creatures is the young professional man, starting life without money, friends or backing. Day after day and month after month, he sits and waits for an unappreciative public to recognize his extraordinary talents. But no one does. The old lawyers carry the ball, the young sons of Themis stay on the sidelines and watch the game. But I finally discovered a hole in the opposing team. Though the lawyers I was up against were orators and scholars they were self-centered and had that most hurtful of defects, slothfulness in business. This weakness gave me my chance and I did not fail to embrace it. I answered letters the day they came. I kept long office hours, attended public gatherings, and got acquainted with the country people, made speeches here and there and was always spoiling for a fight. So spry and active was I that Tom Clements, the Clerk of our Court, paid me a great compliment. Said he, "Winston, you don't dance so powerful well, but what you lack in style you make up in turning around!"

I likewise discovered that my opponents were quite out of date. They clung to the old common-law practice and refused to accept the new-fangled Code which the Yankee Colonel Tourgee had brought down from New York and superimposed upon our jurisprudence. This pig-headed attitude gave me a decided advantage. While they were busy quoting musty opinions of Marshall and Ruffin and Gaston, I was busy with the Code and the new statutes which often superseded said opinions. I remember one case in which

I was opposed by a caustic, erratic, and almost fantastic attorney named Colonel Leonidas Edwards.

I had filed a complaint—a bill in equity—to remove a cloud from title. The bill alleged that my client had a good title to his lot and the defendant unlawfully claimed an adverse interest, casting a cloud which I asked the court to remove. Now, until a recent statute, such suit would have been dismissed, because the bill stated that the plaintiff had a good title. “If the plaintiff has a good title,” the Old Court had said, “why ask our aid?” But a recent statute had overridden the decision, enacting that anyone so aggrieved might bring just such suit as I had brought. At the trial my opponent appeared perfectly confident, in truth, he seemed to pity me. Quoting from Chief Justice Ruffin that such an action would not lie—being useless, vain and a mere trifling with the court—the Colonel excused the “mistake of his young friend who had only recently donned the legal toga and come to the bar.” After a while my time came to address the Chancellor and I merely handed up the statute enacted to cover the case in hand. So signal was my success along this line, and so often did my Code and statutes trip up the older lawyers, that they resented my conduct and charged me with taking short cuts.

On another occasion I had equally good luck. Colonel Venable had taken a judgment by default, for want of an answer, and had issued an execution against the defendant, who had actually paid several thousand dollars into the clerk’s office for the plaintiff’s use. At this desperate stage, the defendant wandered into my office, as a last resort, and employed me. And the matter did seem hopeless. But a young lawyer, like a fool, will rush in where angels fear to tread. It must be remembered, indeed, that a great English barrister once said that no case is so desperate but that it may be won by skill and attention. I therefore turned to the Code, for I bethought myself that the plaintiff’s lawyer so greatly



despised it that he had probably failed to comply with its requirements. And so he had. He had neglected to have his client swear to the complaint, a prerequisite to a judgment by default. The result was, the judgment was set aside, the case reopened and won by the defendant, whose money was returned to him.

Naturally, Venable was furious and unbosomed himself to his neighbor, the canny Scotch merchant, Crawford Cooper—grandfather, by the way, of Crawford Biggs, recently Solicitor General of the United States.

"Umph, umph!" the Colonel sniffed. "It's a shame, sir, such doings as that. Why, I'd starve before I'd practice law like that little fellow Winston."

"Look here, Tom," was the dry reply, "if you don't stop grouching and go to studying, that little fellow, as you call him, will get all your business."

It must not be concluded that I won these cases when I first began to practice. It was several years before I could fight my way to the front. And yet my period of waiting was shorter than usual, due perhaps to the first case I had in the "big court." It was an appeal from a ten-dollar fine imposed by the mayor for the violation of a town ordinance relating to public drunkenness. Now the facts of the case were all against me, as my client, old Uncle Lawson Wright, the efficient, colored blacksmith, had undoubtedly been very tight on the public streets—so tight that he could not navigate. But, remembering that Father had taught me when the facts were adverse to come out strong on the law I consulted the books, with the result that I discovered the town ordinance was defective. This defect consisted in a failure to specify the punishment which the mayor should inflict. The ordinance was so vague that it was null and void. On my motion the case was dismissed. In a few days, the town fathers came around laughing and paid me twenty-five dollars to shape up their ordinances!

From the relentless way I handled these cases an important conclusion may be drawn. I was not a reformer nor an up-lifter. I was a lawyer, with no purpose in view but success—success at any hazard, except at the expense of professional decorum. When the Scotch advocate, Lord Brougham, was defending Queen Caroline, and shaking the Throne itself, he declared that if his duty, as attorney, caused the disruption of the British Empire so be it, the Kingdom must go and not his client. Brougham's rule was my rule. I frankly admit that when I represented a client, I lost sight of all else except success. *Gaudium certaminis*—the cry of the hounds—engrossed me.

At this point it may be well to refer to a popular notion that a lawyer should refuse to appear for a guilty party, a subject which Boswell once broached to Dr. Johnson.

"Sir," said Boswell, "are not lawyers in danger of losing their character, always acting and playing a part?"

"Why, no, sir," retorted the Doctor. "Why should they? The public understand the business. In the circus the tumblers are paid to tumble. Do we think any less of them on that account?"

If it be objected that Johnson was referring to an indifferent matter whereas litigation is serious, I would reply that I practiced law forty years, defending hundreds of criminal cases, and not a single defendant ever admitted his guilt to me. But I go a step further. I maintain that the functions of the lawyer, on the one side, and the judge and jury, on the other, are totally distinct. The duty of judge and jury is the pursuit of truth; the duty of the lawyer is to win his case, by all honorable means.

And how is justice thwarted by this arrangement? Does not the lawyer on one side neutralize the lawyer on the other; are not honors easy? Undoubtedly so. Moreover, the clash of wit, the wealth of illustration, the appeal to passion, the cut and tierce, this sword-play, clarifies the air so a just judge

and an impartial jury may decide correctly. I may add that in all history, as far as I know, there is but a single instance of a prisoner's admitting guilt to his attorney, and that was in the case of the Crown against Courvoisier, a servant charged with murdering his master, Lord John Russell. Charles Phillips was representing the prisoner and, just as he rose to address the jury, was called to the dock by the turnkey.

"Mr. Phillips," the prisoner whispered, "I wish to tell you I am guilty."

"Then, of course, you do not expect me to speak?"

"Oh, yes, I do," the prisoner replied. "I wish you to make a better speech than ever."

Greatly perturbed, Phillips consulted the presiding judge who advised that it was his duty to proceed regularly. The prisoner was convicted and hanged. The incident of the confession soon reached the London *Times*, which savagely attacked Phillips, insisting that he should be unfrocked. The *Times* charged that he, knowing his client to be a murderer, had told the jury the servant girl was the guilty party, and not his client. Under this accusation the attorney remained silent for many a year, but at length gave the facts to the public. The record, indeed, shows that the *Times* was in error when it charged Phillips with laying the crime at the door of the girl. What he said was this, "Gentlemen of the jury, you ask me if the prisoner at the bar is not the guilty party, who is? I reply, Ask not me, a fallible mortal like yourselves, ask the God who made him."

I once witnessed an unusual case along the same line—a suit to set aside a fraudulent compromise. It seems that the guardian of an infant, named Lucy Barnett, had given a bond of \$10,000 for the faithful performance of his duties, with Reams and Lockhart as sureties. In the course of time the guardian wasted the estate, and the sureties were called upon to pay the bond. One of them came in and compromised by paying \$1,000 and taking a receipt in full satisfaction.

Soon after, the young woman, by her uncle, Colonel Edwards, sued the other surety. But he was wise enough to employ a strong law firm, Graham and Ruffin, who filed an answer claiming that the release of one surety had released all. Now this is a correct principle. Sureties are favorites of the law. If one surety is released, all are released. The suit, therefore, was brought to set aside the release for fraud and to recover the amount of the bond.

At the trial, the attorney who had compromised with the surety was put upon the witness stand, and he admitted his connection with the matter. "But," said he, "I had no idea in the world that when we released Lockhart we released Reams and the other sureties." In other words, he was ignorant of the law. Presently, the attorney who represented the released surety was called and asked if he knew that, when the release was executed, the other sureties were thereby discharged.

"Of course I knew it," was the reply.

"Did you make that fact known to the poor girl sitting here by my side?"

"I did not."

"And pray, why not, sir?"

"She had a lawyer, I did not represent her."

"So you concealed an important fact, did you, sir?"

"Not at all. I concealed a point of law."

Upon this state of facts the case went to the jury, Edwards bitterly denouncing the lawyers who had swindled an innocent girl out of her estate. "Lucy Barnett's lawyer," sneered the Colonel, "why, he was a hopeless fool, a blockhead who should be disbarred for ignorance. But as to Lockhart's attorney, who sat by and participated in this shocking fraud, as to him, ignorance may not be pleaded. He admits his guilt. He knew an innocent girl was being swindled, yet opened not his mouth. Ah, gentlemen, had he spoken up, had he said, 'I'll not be a party to this fraud,' he would today

be considered an honest lawyer. Aye, sir, he might even be regarded as an honest man.”

“Piffle, poppy-cock!” retorted Ruffin. “Why, gentlemen, what is a lawsuit but civilized warfare, a transfer of human passion from the tented field to the courthouse. Is it the duty of the general of one army to disclose his strategy to his opponent? What would you have thought of Lee and Jackson at Chancellorsville, after they had laid plans to surprise General Hooker, had they sent a courier through the lines with a message of warning? The mere suggestion is preposterous, it provokes a smile. Yes, gentlemen, I repeat, law is war! And when you, Mr. Smith, or you, Mr. Brown, or you, Mr. Jones (pointing a finger at each juror as he called his name), come to my office and employ me as your attorney to represent your interest, rest assured, sir, I shall represent you, and you alone—nor will I represent your adversary or give him any advice.”

Under the Judge’s charge, the release was upheld and Lucy Barnett lost her little fortune. No doubt she might have sued her attorney for negligence but such suit would have been useless as he was insolvent. The case indeed would have been the old one of suing a beggar and catching a louse!

Harsh and cruel as it may sound, a lawyer, like a soldier, follows the flag, asks no questions, gives no quarter. Tooth and claw is his rule. Certainly this was my rule. When my fighting blood was up I preferred a desperate case to a good one. Any lawyer may win an easy lawsuit but it takes a real lawyer to win a bad one. I recall just such a case, which I defended when I first came to the bar. The prisoner was charged with stealing a horse from the stables of a Mrs. Amis, and, before the committing magistrate, had gone upon the stand and confessed, telling all about the transaction, how he entered the stables and untied the animal and rode it away. So manifest was his guilt that Squire Stovall bound over to

court two witnesses only, Mrs. Amis, the owner, and himself, who had heard the prisoner confess his guilt.

In desperation the prisoner's kinspeople employed me, a mere tyro, to handle the matter. Now, at that time, there happened to be a new statute which provided that no confession should be received unless the prisoner, when he became a witness, had been cautioned as to his rights. This caution was three-fold. First, that he need not be a witness unless he desired. Second, that what he said might be used against him. Third, that his failure to become a witness could not be used to his disadvantage. Armed with this statute I took a seat inside the bar and my client was brought in and given a chair by my side.

Presently the case was reached, and Mrs. Amis was called as a witness. She described her horse and said it had been stolen. The thief had kept the animal two or three days, when a neighbor discovered it and it was recovered. She likewise testified that she was acquainted with the prisoner, who lived in her neighborhood and was considered the most notorious thief in the county.

"Stop, stop!" I exclaimed. "I object, Your Honor, to that last statement." The Judge excluded the matter objected to, and the next witness was called. He testified that he had bound over to court the prisoner, who, at the hearing, had gone on the witness stand and freely confessed the theft.

"One moment, please, Squire," I quietly interposed.

"Now, Your Honor," I said, "I ask leave to examine this witness."

My request was granted and I proceeded to examine Squire Stovall on what is called the *voir dire*, these words being dog-Latin and meaning, to speak the truth.

"Squire," I began, very gently, "at the preliminary hearing, when the prisoner became a witness, did you caution him he need not testify unless he wished to?"

"Certainly, I did, sir."

"But you did not go on and tell him that what he said might be used against him, did you?"

"I surely did, sir."

"Did you give him any further caution, Squire?"

"Why, no. What other caution was there?"

"Precisely, Squire. I simply wish the facts. Now, let's understand each other. You cautioned the prisoner that he need not be a witness and if he did what he said might be used against him, is that correct?"

"That's right, sir—just as I always do."

"And that was all the caution you gave?"

"Certainly. Haven't I said that already, three or four times?"

"On that state of facts, Your Honor," said I, "I ask that the alleged confession be excluded."

The Judge read the statute and reluctantly excluded the confession. As the state had no further evidence, a verdict of Not Guilty was entered and the prisoner was discharged. And, in the next issue of the *Torch Light*, Mrs. Amis denounced the entire legal profession, myself included. She charged that the Court had turned loose a notorious horse thief, and I had won the case upon a technicality. Whereupon, my practice grew, by leaps and bounds. The public seemed to be more eager for a successful lawyer than for a Sunday School teacher!

Occasionally, I was indebted to a client for winning. Such was the case against a defendant, named Green, in a suit against him by a bank which had purchased his note for two thousand dollars. A Mr. Burwell had died heavily indebted, though at the time of his death it was thought he had left an estate free of debt. His heirs, therefore, concluded they could sell his land. This they did, Green becoming the purchaser of two hundred acres for four thousand dollars, paying two thousand cash and giving his note for the balance. It was this note the bank had acquired and upon it was

bringing suit. The bank claimed to be an innocent purchaser and entitled to recover, despite any defense which the maker Green might have. The defendant's reply was that the transaction was a fraud; he was an innocent victim, having purchased the land and paid two thousand dollars and given his note for the balance and that the title was defective and the land had been taken away from him by the creditors of the deceased. In a word, Green maintained that he was called upon to pay four thousand dollars for something he never got.

Of course, I supported my equity by allegations of fraud. I urged that my client was wholly unused to courts and court proceedings, was unacquainted with law, and depended on the grantors for a good title; in fact was poor and illiterate, and, if required to pay the note, would suffer irreparable injury, and be stripped naked and become an object of charity.

After the argument, the Judge decided with Green and restrained further proceedings, and at the recess, when my client was untying his wallet to pay the balance of my fee, he snickered and said,

"Lawyer, *you* didn't win that case, *I* won it."

"How so, Green?" I asked.

"Didn't you see me, lawyer?"

"No, I didn't see you. What was there to see?"

"Why, lawyer, when you got up there and scandalized me and said I was a plumb fool, I played the fool, I did. I just squatted down in my chair, and tucked my neck in my coat collar and walled my eyes, good fashion!"

"And the God's pity is, the Judge hadn't jailed you," I laughed.

The case of Mrs. Sally Meadows had a similar ending. The old lady owned a farm which she conveyed to her nephew, on a verbal agreement that she might live with him the balance of her life and he would support her. A fee-simple deed was accordingly made to Stem, and he and his



aunt lived happily together till the young man died. Trouble then arose. The widow claimed the land, absolutely, and put Mrs. Meadows out in the big road. The old lady, being unable to employ a more experienced lawyer because her case was so desperate, came to me. And the situation was complicated. The deed could not be set aside, because it was written just as the parties intended. There was no fraud, since Mr. Stem had acted in good faith, and had complied with his contract to support his aunt. Finally I worked the matter out this way: I concluded to sue for a breach of the contract of support and to proceed against the land, trusting to the jury to fix a sum so large as to cover the entire tract.

An intelligent jury was selected, one member quite a scholar, named Bullock, a planter and a lover of Shakespearean plays. When I came to address the Twelve I took the pathetic story of Lear as my theme, knowing that Bullock would be interested and that he controlled the other eleven. The defendant I likened to Lear's cruel daughters, Regan and Goneril, who had accepted their father's gifts and then had cast him out, poor and defenseless.

"Yes, gentlemen," said I, "and so did this defendant with old lady Meadows. They accepted her gifts, took possession of her home and then cast her out in the storm, where the winds howled and the thunder rolled and the lightning played and the rain soaked her to the very skin. . . ."

At this point I was suddenly interrupted. Men rushing inside the bar, and the Judge, from the bench, calling out, "Water, ice water!"

I looked around and there, flat upon the floor, lay my client, in a dead faint, her stiff, cotton, bombazine dress and crinoline petticoat elevated by a set of old-fashioned hoop skirts. Pretty soon the old lady came to, and as they lifted her back into a chair, pale and corpse-like, my facetious cousin, Charlie Cooke, whispered, so loud everyone could

hear him, "Bob, old fellow, you came mighty nigh overplaying your hand that time!"

The jury retired and gave Mrs. Meadows a verdict for three thousand dollars, and in a few weeks the land was sold and bought in by her for a trifle less than the amount of the judgment. This little incident may show that there are more ways of killing a dog than by choking him to death with melted butter!

Now, in neither the Green case nor the Meadows case did I participate in my client's theatricals. I knew nothing whatsoever about what they intended to do. In fact, I may say that as far as I ever went coaching clients was to caution them as to dress and manner and deportment on the witness stand. In the matter of tampering with a witness, I was scrupulous. Perjury is bad, but subornation of perjury is worse, as this offense is usually committed by the educated and the well-to-do. With female clients I was frank, advising them that the courtroom was not a parlor, nor was a lawsuit a social gathering. Therefore they must cut out all finery and put on no dog. If they would answer plainly and carefully and without affectation, everything would be well.

The story is told of a famous New York lawyer that he would ascertain the facts necessary to win his case and then say to the witnesses, "See here, men, in this case I wish you to tell the truth and nothing but the truth, and the truth is this." Then he would proceed to state what the witnesses were expected to tell. Such conduct was reprehensible. Justice should not be tampered with, nor should the fountain be polluted at the source. On the contrary, all squeamishness and kid-glove suggestions that a lawyer should be a parlor-knight, and sift and weigh and accept only good cases, is flatly absurd.

The lawyer must deal with human nature as he finds it—rough, elemental, red in tooth and claw. And when these things are taken into account and we consider the raw ma-

terial which courts handle, we must conclude that they have maintained themselves as well as other departments of government. Indeed, I acted on no other principle than that it would be hurtful to society were I to choose and pick my cases and prejudge them. If all lawyers pursued this course, the profession would grow to be a nuisance, probably a dictatorship. In a word, lawyers would become lawyer, judge, and jury, all in one.

In a book by Hardwick called *The Art of Winning Cases*, the author sets out numerous rules to guide the lawyer in professional conduct. Rule XV declares that when a lawyer defends a person charged with a crime of the deepest dye, and the evidence leaves no doubt of guilt, he should not exert himself, nor do his best, but should submit the case without argument. This rule I consider a reflection upon the profession. A lawyer should either decline to appear or should go his full length. At all events, such was my plan, adopted when I was twenty-one and adhered to until I was old and gray-headed. How well do I remember the first time I was tested out and had to stand up against the community in which I lived.

A splendid citizen, the town jeweler, had been foully murdered as he was walking home on a dark, drizzly night—struck from behind with a billet of wood and robbed of his basket of silverware. So shocking was the crime, as news of it swept over the town, that terrified and pregnant mothers were prematurely delivered. Two negroes, Shadrack Hester and John Brodie, were soon arrested, and the evidence against them seemed conclusive. Thereupon, John’s old mammy, Rowan Brodie, chose me as her lawyer, paying fifteen dollars cash and promising thirty-five more. With tears in her eyes, she said she could prove that her son was in another town at the time of the murder.

It was ten at night, in bleak November, and I was in my little office busy examining the negro witnesses in this hor-

rible affair when "Blam, blam, blam!" I heard heavy foot-falls on the steps, followed by a loud knocking on my office door. And then Captain Gus Landis surged in, bursting with anger.

"Young man," said he, looking me straight in the eye, "I have somewhat to say to you."

"All right, Captain, what is it?"

"In the hall, sir, and not in here."

I followed my angry friend to the head of the steps. He roared,

"By God, are you going to defend them damn niggers?"

"Yes, Captain," I said. "The old mother has—"

"Damn that old-mother business. Haven't you got sense enough to keep out of that mess?"

"Now, Captain," I appeased.

"Don't come any of that soft sawder stuff on me, young man. I'm here to warn you, and that I have done."

"Captain Landis," I replied, pulling myself together, "I came to this town to play a man's part and not a baby's, and, so help me God, I shall live a man and die a man. . . . And one thing more, Captain, when you led your men along the Chickahominy and up the heights of Malvern Hill, did you skulk and seek a bombproof place?"

"By God, Bob," he exclaimed, "you are right. Give me your hand."

And, "Blam, blam, blam!", the old soldier went down the steps, step by step, his heavy walking cane, which he always carried in his left hand, smiting each step as he went.

It was long after midnight before I finished examining the witnesses and making notes of their statements. And as I went to my boarding-house, I heard strange voices over against the jail, where my clients were incarcerated. "It is a late hour of the night to be bringing in a prisoner," I thought.

Next morning, as I entered Sheriff Crews' dining room

for breakfast, a sudden hush came over the table. And then the Sheriff spoke up and said,

"Well, lawyer, you have lost your clients."

"I don't understand you, Sheriff."

"Why, Shadrack and John, they were lynched last night."

## CHAPTER XII

### A CONVENIENT NEGRO WOMAN

SAM ELLIS' bar was a modest resort frequented by elderly people and others who wished a drink on the sly. A gentlemanly, soft-spoken fellow, Sam soon became one of my warm supporters. In truth the barkeepers generally seemed to take a fancy to me, due, no doubt, to the fact that I was not always reforming something. The Ellis building was a small, two-story affair and on the second floor three lawyers had offices: Thurston Hicks, an intellectual prodigy, so opinionated that he invariably floated up stream; a bedizened, dilapidated Confederate Colonel; and myself.

In a few years Hicks became a Liberal and then a Republican, several times heading the state judicial ticket. The Colonel's quarters were directly in front of mine and a door led from his office to his sleeping apartment. The dear old fellow was pathetic. An only son and, before the war, heir to great riches, he had married a beautiful girl, who soon died, leaving no children. He was now a widower and not only alone in the world but almost destitute. Yet he made a brave show.

In the inferior courts and in the court of Hanson Hughes, the negro justice of the peace, he cut quite a figure and managed to earn enough money to keep body and soul together. Though not a profound lawyer, the queer old citizen was an interesting character, well-versed in the writings of the English humorists, Tobias Smollett and Thomas Fielding and of the American humorists, Baldwin and Longstreet. He never addressed a jury without bringing in Tom Jones or your Uncle Toby or Tristram Shandy's bull or Ransy Sniffles

or Simon Sugg. Twice a year the Superior Court would meet and the old man would step briskly inside the bar, his hair and whiskers dyed jet black, discolored gloves on his hands, a gold-headed cane, old-fashioned stock neckwear and a slick broadcloth coat.

The Colonel's rooms were a curiosity shop, littered up with odds and ends. Old and frayed French carpets, rugs and drapery. Davenports, mahogany chairs, tables, and what not—wreckage of wondrous, plantation days when five hundred slaves called him young master. Three times daily a mulatto woman would come to his rooms with a basket of food and take down from a carved walnut sideboard stray remnants of broken china-ware. A Wedgwood teapot with a broken spout, cracked and broken cups, plates and saucers—the purest Sèvres. Sundry pieces of dingy silver, bearing the crest of an old English family. Every Sunday night this woman, in a neat homespun frock, would enter the Colonel's rooms and remain till morning. For it must be said that the old man solaced himself and sought to overcome loneliness and destitution by the consortium of an humble creature of an opposite color, who so completely worshiped him as to recall something of the happy past.

One day I strolled over to the Colonel's office, as I often did, to discuss *Georgia Scenes* and *Flush Times in Alabama* and contrast Baldwin and Longstreet with Mark Twain, but I found the office vacant. Gently I tapped on the bedroom door. There was no response. The Colonel was dead. And when we buried him I noticed a drooping female figure, off in the shrubbery, crouched down to the very earth, and wiping away streaming tears.

Now, such sexual irregularity, as we have seen, was not infrequent in the South of the '70's-'80's. The wealthiest bachelor in our little town, a man of iron nerve and winning personality, kept a mulatto woman and raised a family. The

children he sent North to be educated. In the course of time he became social-minded again, joined the Episcopal church and opened his mansion to fashionable society. But what a tragedy were his obsequies! Great preparation had been made for his laying away. There were to be a vested choir and churchly music and wreaths of flowers. But alas, on the night he died his mulatto children came down from Boston, New York and Philadelphia and took possession. They occupied the guest chambers. They did the funeral honors, the men in tall, crêped hats, the women in black with crêpe veils. And then there was a great to-do. The artistic organist refused to play, the choir backed down, the preacher developed cold feet, the congregation stayed away. A lone hearse, followed by two carriages filled with mulattos, passed drearily down Main Street on their way to God's Acre, as the idle crowd stood on the sidewalk and satisfied their curiosity. Not the fact of cohabitation but the idea of social equality had queered the game.

Nor was our cultured little village exceptional in this matter. There was scarcely a community in the South but the young men and bachelors and the widowers cohabited with colored girls. And, as we shall presently see, it was not considered a disgrace—it was a mere irregularity. The most aggressive advocate of white supremacy and of negro suppression might keep a mulatto woman, not to elevate her, not to degrade himself, not to break down the caste system, but to satisfy the engulfing sex urge. The bravest man in our midst, a leader in perilous political fights, the chief of the Red Shirts, a very rakehell, this young fellow gratified his passions with a mulatto woman.

In a former chapter I promised to explain, if I might, why there were so many mulattos in the South, perhaps three millions out of a negro population of thirteen millions. The answer may be found in an analysis of the second instance of



cohabitation, that of the wealthy bachelor who raised a family. Let us suppose there were ten of these children all born before 1880, and that they married by the year 1900. Let us also assume that each child reared a family of four and, by the year 1925, these forty grandchildren had married and each had had four offspring. It will be observed that the illicit relationship of one white man with one black woman produced, in the course of time, several hundred mulattos. This then is the reason that mulattos seem to be on the increase. But the contrary, as we shall presently see, is true.

Certainly mulattos born in our day are of mulatto parentage and not of white.

A more interesting question than the increase of mulattos however is this: Why should a white man, in that day, have cohabited with a negro woman in preference to a white woman? In the first place the colored women were more appreciative than the white, nor did they feel any sense of shame. Then again little risk or danger accompanied the act. There were no male relatives to settle with, no marriage ceremony, no expensive establishment to keep up. Children did not have to be clothed, fed and educated. If children were born, they lived in the outhouse with their mammy, who fed them from the table. The cast-off clothes of the establishment hid their nakedness, pine knots and fallen trees furnished firebote to warm them.

But there may have been a deeper significance to the intimacy of a white man and a black woman than mere convenience or economy, and that was the ecstasy of the performance due to the erotic fury of the female. Undoubtedly the most irresistible of human passions is the thirst of a man for a woman. And the solution of this vexed problem of sex indulgence the Old South imagined it had reached. As to the white woman, as soon as she reached the age of puberty, she was expected to marry. Thereby, she escaped the complexes incident to sex repression.

As to the white man, though he married later in life, he would escape such dangers by intercourse with a colored woman, a performance, according to biologists, as much more exhilarating than that with a white woman as the colored woman was the more greatly oversexed. In a word, the sexual need of the African reduced itself to its lowest expression, just as hunger and thirst. The African woman often, during the psychical efflorescence, became drunk and went into a kind of frenzy.

It must not be overlooked that most negroes were barbarians when brought to America. And, as Letourneau observes, in black Africa marriage does not exist: promiscuity is the rule. There is no word to signify love or affection. "African women give the rein to their shameless excesses as soon as they can do so without danger." Now, prior to 1808, when the foreign slave trade terminated, black women had been poured into the South by the thousand, creatures motivated by a procreative impulse—many of them not homely. When these complacent daughters of Sheba came in contact with men equally amorous, the result was inevitable—intimacy and mulatto children. The practice was not confined to the vulgar but embraced all classes, from the eighteen-year-old schoolboy to a President of the United States, with a brood of colored children, and to a learned and honored judge of the highest court of Virginia, with his colored woman and her numerous offspring.

Indeed, to speak plainly of a plain truth, a convenient colored woman in the old days was the vehicle for easing a great human urge. Undoubtedly, the sex urge is stronger than the tides of the ocean, stronger than the flow of the sap in the oak—a human impulse upon which Freud predicates all progress, all civilization, and the suppression of which may lead to unhappiness, nervous disorders and the madhouse.

An interesting aspect of this question is that a century ago cohabitation with a negro woman was not considered adul-

tery. Though Moses had thundered, "Thou shalt not commit adultery," he had no reference to the African race. Sexual intercourse with the African was not adultery because such a creature was not a person. In other words, the African was a Thing, a Thing to be bought and sold, to be ordered around and made to obey. "The Negro has no soul," was the thought of the poor whites of my youth. And not of the illiterate alone.

Learned men, scientists and college professors gave expression to the same thought. Some writers went further and rated the African lower in the scale of civilization. "The Negro is not a human being, but is a beast," wrote Buckner H. Payne. Payne's booklet was published in Cleveland in 1866. It is called *The Negro*. It passed through more than one printing. The author reached his conclusion not only from the physical differences between whites and blacks but also from the account in Genesis of the origin of the races. As Payne worked it out, Noah had three sons: Shem, Ham, and Japheth. The descendants of these three, only, went into Noah's ark as human beings, and were saved. All other creatures aboard the ark were beasts. Now the African was not a descendant of any one of Noah's children. It follows that the African must have been a beast! Absurd as this theory may sound it was the accepted belief of my younger days, among the poor whites of the South.

Nor was this silly notion confined to the ignorant. A learned scholar, a Doctor Nott, formulated a theory that the African and the Caucasian had a different origin. This theory Nott called the pluralistic origin of the races. It was opposed to the unitarian theory. The Doctor had an extensive following. Calhoun was his disciple. Calhoun maintained that the Negro was an inferior being, incapable of receiving an education and not descended from the same stock as the white man. Upon this issue, Southern churches divided, some

insisting that the Bible taught the unity of man and others urging the contrary.<sup>1</sup>

I well remember a story which illustrates the contempt of the old master for the free Negro. Just after the Negro was set free, a young colored man came into the store of bluff old Jack Bond, down at Windsor. The boy brought a message to Mr. Bond from a negro tenant, named Bill White.

"Boss," the black boy mumbled, "Mister White, he say, send him er plow p'int."

"What's that?" growled the irate merchant.

"Mister White, he sont me to ax fur er plow p'int."

"Mr. White, is it? Next thing, it will be Mr. Mule!"

Because of such harmful conditions many forward-looking Southerners were apprehensive. Robert E. Lee called the whole business of slavery a social and political evil, and liberated his slaves. Jefferson had already expressed the same thought. Gaston, the scholar and statesman, in an address before the University, had characterized slavery as a sore spot, corrupting the youth and undermining society. But, hurtful as slavery was to the whites, it was the making of the blacks. Nowhere in history may an instance be found of a barbarous race making such progress as the American Negro during slavery days.

In a word, bad as was sexual intercourse, from the white man's point of view, it was wholly beneficial from the Negro's. Such intercourse undoubtedly benefited the African, furnishing him with capable leaders and giving him race pride. What today would be the condition of the American Negro had there been no mulatto leaders—no Fred Douglass, no Bruce, no Booker Washington? Doubtless, the grandmother of Booker Washington had been a savage in Africa. She may have left behind a brother or a sister with children.

<sup>1</sup> This interesting subject is discussed by Doctor Jenkins in a recent work, *Pro-Slavery Thought in the Old South*, published by the University of North Carolina Press.

Contrast the American immigrant's offspring, Booker Washington, with his nameless cousin, left behind in Africa, and the difference will mark the benefits of slavery to the American Negro. No, slavery did not injure the slave, it benefited him. Slavery injured the white man, not the black man.

Listen to the soul-stirring words of Phillis Wheatley, a slave-woman, brought over from Africa and sold at public auction. She sings:

'Twas mercy brought me from my pagan land  
Taught my benighted soul to understand  
That there's a God, that there's a Savior too.

Before leaving this delicate subject, absolutely necessary to an understanding of the relationship between whites and blacks, let me add one thing more. Sexual intercourse between the races has almost ceased; it is rarely heard of in our day. The last census to register the number of mulattos was that of 1920. Since then no figures showing the proportion of mulattos to blacks are available. The 1920 census shows—though inaccurately—a 25 per cent decrease in the number of mulattos as compared with the former decade. The reason whites and blacks no longer mix is obvious.

Southern white women have taken a hand and condemned the practice. The Negro is now regarded as a human being. He is in sharp competition with the whites and there is much conflict. The Negro is being educated and is therefore less amorous and has greater race consciousness. His leaders teach morality and something of esthetics. He is scrupulous in observing social etiquette. "Good morning, sir," is his cheerful greeting. In his churches, lodges and orders, he is a stickler for ritualism. He dresses better and is neater and more cleanly. His criminal record is much improved—there are more whites than blacks in the North Carolina penitentiary. For these reasons, and others which might be mentioned, sexual irregularities with whites are no longer con-

done by the Negro. If a Southern man, in our day, should keep a colored woman he would become a social pariah.

A single instance may illustrate the change of sentiment as regards sexual intercourse between the races. Two or three years ago, the most powerful politician in our state secretly kept a negro woman, and the fact came to the ears of his opponents. One night, while the colored woman was in the bedroom of the politician, two policemen knocked and were refused admittance. They persisted, having been sent for the purpose of catching him in the act. At length, under threats to break in, the door opened, but no woman was in sight. Search was instituted and the woman was hauled out from under the bed. Next morning's paper carried great headlines and a two-column write-up. Before sunset the big man had resigned and was never again able to hold up his head.

Contrast this affair with a like occurrence in 1832 or 1852. In that thorough-going day, no one would have dared pry into a Southern gentleman's private affairs, or had he done so, he would have been promptly killed, and his assailant as promptly acquitted.

But, even in slavery days, when whites and blacks were so intimate, the blood of the whites was never contaminated with that of the blacks. The deadline between the races was so well marked that it could not be crossed. The offspring of a negro woman by a white man was a negro, always a negro. As to the rare case of the white woman who cohabited with a negro, she became an untouchable. She and her offspring were negroes and never associated with whites. In every Southern state today it is a crime for a white to marry a black.

The claim of the South therefore that its Anglo-Saxon blood is pure and untainted may not be disputed. Now and then a bright mulatto may leave the South and go elsewhere and pass for white and marry a white. But in the South this thing would be impossible. The pedigree of the negro, to a

remote generation, is known of all men. "Once a negro always a negro" is the rule. And all great Neptune's ocean cannot wash the stain away.

It was amid such conditions I lived and toiled, when first coming to the bar. But, fortunately for my peace of mind, the untoward surroundings failed to disturb me. I was much too busy getting on in the world to theorize or philosophize or play the reformer. I doubt if I saw anything amiss in the affairs of my state or in the entire South. An opportunist, wedded to the triumphant Democratic party, I was a Bourbon of the Bourbons, a favorite of the Brigadiers, whose slogan was, "This is a white man's country." As a matter of fact, I had scarcely landed in my new home before I was up to my middle in politics—not for the public good at all, but as a means of advertising myself and drawing business. The very first year, I ran for mayor and was defeated. In a few months I was out for the legislature, but again met defeat, though I was elected Chairman of the Executive Committee and put in line of promotion.

So active was I that Father became alarmed. "Robert," he wrote, "I observe that you are a candidate for almost everything these days. First, for mayor, then for the legislature. Now you are County Chairman. Unless you slow up and ripen a bit you cannot be a lawyer. You are in danger of running to weed."

But I was not too busy to neglect matters of a more tender nature. No sooner had the political campaign ended than I was married, the bride a daughter of my old school-teacher, and his wife, Sophronia Moore, whose ancestry, through twenty generations of Moores of Fawley, runs back to Sir Thomas More, of Utopia fame. The marriage took place in St. Stephen's church. The festivities were at the home of the bride. Nor was anything lacking to make the occasion intimate and Southern. Bridesmaids and groomsmen gathered from all parts of the state. Friends and kinsfolk filled

private homes; old-fashioned carriages, with curious, folding steps and plush upholstery, lumbered up and down the streets. My friend, Judge Shipp, adjourned court in a neighboring county to enable the lawyers to attend, the venerable jurist—and surely none handsomer ever lived—saluting the bride with a fatherly kiss.

In all things the marriage was a community affair. Every family in town took part, some sending fall roses, others lending flat silver and table linen and many of the more intimate coming over and assisting in furnishing forth the wedding feast. The tables groaned with native luxuries, fat turkeys, country ham, chicken salad, jellies, pickles and such cakes! One, the mysterious bride's cake, contained within its ample sweetness a gold ring, for which each attendant cut, the lucky winner being hailed as the very next to "step off."

No ardent spirits were visible, and yet, from the ensuing horseplay, John Barleycorn and Apple Jack must have been somewhere in the neighborhood! At nine in the evening the bride and groom boarded a special train and departed for parts unknown. But, in the hurly-burly, they forgot the bride's handbag, with nighties and other paraphernalia. Whereupon, devilish Henry Cooper, a groomsman, and our future brother-in-law, opened the satchel, clothed himself in female attire, and paraded the length of the station, to the dismay of the more sober-minded of the party! Surely, in those plethoric times, a wedding was a wedding!

Arriving in Washington City, we stopped at the Metropolitan, only a few blocks from the Capitol. This hotel was the home of our courtly Senator Ransom and other notables. The Senator put himself out to make our visit pleasant. We gained admittance to the White House and shook hands with President Arthur, a courteous, likeable gentleman, making a better president than had been expected. The street-cars, drawn by horses, with tinkling bells on their bridles, we found novel and interesting. Each day we would ride about the



city and visit the theaters, the art galleries, the public buildings and gardens. The Washington Monument, less than half complete, was a dreary-looking object. The Mall surrounding the monument, a frog pond.

One day, as we were admiring the mural paintings of the Capitol, Senator Ransom came up. "Daubs, mere daubs!" he commented. "Scarcely one of them first class." Then, pointing to the female figures in the dome, he said, "Put there during Reconstruction days, and supposed to represent Milton's fallen angels, but in fact typifying the Southern states being hurled out of heaven."

As much as possible I hung around the Capitol and the Supreme Court, over which Chief Justice Waite presided. The great leaders of the day attracted me. Through the courtesy of Senator Ransom and General Cox, our Congressman, I met some of them. Senator Butler, a kinsman of Ransom's, I well remember, also Gorman, who participated with Ransom in defeating the Force Bill, and Don Cameron, who co-operated in developing the falls of the Roanoke near Weldon. From the gallery of Congress I looked down upon many notables—all now gone to their reward:

Little Alex Stephens, once Vice-President of the Confederacy, huge David Davis, acting Vice-President of the United States; Benjamin Harrison and William McKinley, afterwards presidents; John Sherman, Allan G. Thurman and Thomas A. Bayard, sometimes presented to party conventions for President; John A. Logan, soon to be defeated for Vice-President; Sam Randall, at one time Speaker of the House, and strangely enough a protection Democrat. Also those intellectual giants Ben Hill, L. Q. C. Lamar, Tom Reed, Morgan, Edmunds, Carlisle, Garland, and lastly that diminutive, fighting Confederate general, William Mahone, hero of the Battle of the Crater, now leading the Republicans of Virginia and bringing much hostile criticism.

A great case was before the Supreme Court and Roscoe

Conkling was the attorney for the losing party. The question at issue was this, "Is a corporation a citizen, within the Fourteenth Amendment, and is it protected by the provisions thereof?" In a former case the Court had intimated its opinion in the negative. But, after Conkling's presentation of the matter, the Court reversed itself and held that corporations are protected by the amendment—undoubtedly one of the far-reaching decisions of our Supreme Court. As I sat in the courtroom and heard the proud, arrogant, self-sufficient Conkling, I could but recall the Philippic of Blaine, depicting Hyperian curls and a turkey-gobbler strut, sarcasm which not only enraged Conkling and disrupted the Republican party, but defeated Blaine and put Grover Cleveland in the White House.

After ten days at the capital, our happy wedding trip came to an end and, one damp afternoon in December, I was engaging a state-room for Norfolk when I met an Old Salt on his way to Virginia. He advised me to stay off the foggy, river-route and go down the Bay from Baltimore. But I persisted and paid the penalty. About three o'clock the next morning, the weather being raw and muggy, our boat ran ashore. Fast in the mud we stuck. Nor were we pulled out by a friendly steamer until it was so late that we failed to reach Windsor for our Christmas turkey. But, late in the afternoon of Christmas day, we arrived at Edenton, the home of two of our wedding attendants. As soon as they learned we were in town they took us, bag and baggage, over to Hayes, their home.

Hayes is one of the historic spots of the South. It was once the home of the Johnstons, Federalists, and friends of General Washington. On its walls there are paintings of real merit. The library is among the best private collections in the state. The residence is situated amidst semitropical shrubs and plants and flowers. It overlooks Edenton Bay, one of the loveliest sheets of water on earth. James Iredell,

a Justice of the Supreme Court, once lived at Hayes. The place was likewise a harbor of refuge for Justice Wilson of Pennsylvania who fled his native state to escape jail on account of debt, and was sheltered by his associate, James Ire-dell. Wilson died at Hayes and his body lay there for nearly a hundred years. At that time Pennsylvania asked permission to remove his ashes. The request was granted and the body now rests in Pennsylvania soil.

The new year found us back in Oxford, with a heart for any fate. Before marriage, I had built a comfortable little home on a lot situated just across the street from the school and in close proximity to its kitchen. This circumstance gave old man John Jones, the philosopher of the town, a chance to commend my prudence. He likened me to the clerk in a store who received not only wages but "the run of the drawer!"

And, of a truth, I was rather wise! Sue, the coal-black school cook, had been a slave in the Moore family and was a great provider. Whenever a beef was butchered or a hog killed, she would be sure to slip the choicest cut over into our pantry! Sue once had a husband, who had disappeared years before. But, husband or no husband, children came with the passing years—eight of them, Moses and Aaron and General Schofield and the rest.

Sue's Rilly was our first cook. She washed and ironed and cleaned up the house, and milked the cow and fed the pig and looked after the chickens! And all this for three dollars a month!

Rilly's waffles and fried chicken were famous and her beaten-biscuit won many a prize. Her skill in seasoning food was unsurpassed. But she was lacking in tidiness. One day Mrs. Winston, going into the kitchen, discovered things in great disorder. "Why, Rilly," said she, "this kitchen is simply a disgrace." "Now, Missis," Rilly brightened, "I knows

why dis here kitchen's so dirty, I hain't scoured dis kitchen in a month!"

And Rilly's excuse was typical. The Negro, like Brer Rabbit, had had many a narrow escape by a quick wit and a bit of fabrication. "Sam, you rascal!" a master once said to his gracious, light-fingered butler, who had cut off and appropriated the leg of a fat, well-cooked goose, and turned the dismembered side down to escape observation, "Sam, your villainy is becoming unbearable! Where is that goose's leg?" "Why, Massa," exclaimed the innocent Sam, "dat air was er one-legged goose." "A one-legged goose! You monstrous liar, who ever heard tell of a goose with one leg?" "Now, Massa, you come along wid ole Sam an' he'll sho' you."

Soon the two reached the fish pond, and sure enough there were the geese comfortably gathered on a tussock in the sunshine, and every one of them standing on one leg. "See dat, Massa!" grinned Sam. "Shoo!" screamed the master, waving his hands at the flock, which flew away, each one exhibiting a good pair of legs. "But, Massa," said the irrepressible Sam, "you didn't say 'shoo' to dat goosie on de table!"

## CHAPTER XIII

### PISTOLS CLICK AND ROCKS FLY

SIR WILLIAM BLACKSTONE used to advise his law students to represent their constituencies, once at least, in Parliament. This advice I determined to follow. Not to put across any reforms, since reforming was not in my line, nor to improve social and economic conditions, but as a means of advertising and bringing in business. And the opportunity presented itself in 1884, the year Cleveland ran for President and Zeb Vance was up for the United States Senate.

About the middle of July the Republicans of Granville had met and put out a ticket altogether white, except two negroes for the House. The leaders of this mixed aggregation were unusual characters, ex-Sheriff Moore for the Senate, and Charles P. Hester for Register of Deeds. Soon afterwards we Democrats convened and I was nominated in opposition to Moore. Our convention was large and enthusiastic. But the honor conferred upon me seemed an empty one, since the county had not gone Democratic in twenty-five years and the Republicans had often piled up a majority of two thousand.

But we were not dismayed. We had a strong ticket and were out for a fight to the finish. For the lower House my associates were Captain Baldy Williams, a smooth, skillful politician, and Doctor Bob Hobgood, a country physician. Our other candidates were old man Bob Garner, one of the boys though nigh on to sixty, for Sheriff; William Mitchell, a pious Methodist, for Treasurer; and Tom Washington, a young fellow full of the milk of human kindness, for Register of Deeds.

Now it will be remembered that about the year 1876-77, when troops were withdrawn from the South, the Negro was generally eliminated from politics. But, even after that momentous year, negroes, when led by bold, native whites, controlled and carried the elections. As to this year, I may say, it was pivotal. A disputed presidential election almost precipitated civil war. When Congress met it was unable to decide whether Hayes, the Republican, or Tilden, the Democrat, had been elected. It therefore referred the dispute to an Electoral Commission composed of five senators, five congressmen, and five judges of the Supreme Court. One point presented was whether the returns from three Southern states, Florida, South Carolina, and Louisiana, should be accepted without investigation, or whether the Commission should go behind the returns. On the face of the record Tilden had defeated Hayes, but certain shrewd Republican politicians suggested a contest based on fraud.

The Commission heard evidence and decided, by a vote of eight to seven, to go behind the returns and seat Hayes—a partisan result concurred in by the Republicans and disapproved by the Democrats. Nor did the Democrats yield until the Republicans had conceded valuable ground. I once heard the brilliant Watterson tell of the agreement whereby the result was brought about. With perfect frankness Marse Henri recited his part in the matter.

Just before March 4, 1877, when Grant's term expired and the new President was to take his seat, Watterson and other Southern congressmen met with leading Republicans and entered into a gentleman's agreement, whereby Hayes might be seated provided troops were withdrawn from the South and the elections in Florida, South Carolina, and Louisiana conceded to the Democratic governors and other state officers. From that day to this the agreement to permit the Southern states to manage their internal affairs has been scrupulously kept.

But, as we have seen, the withdrawal of troops from the South did not affect the Negro vote in counties like Granville, where native whites had combined with negroes so that the black man filled many offices and sat in the jury box to pass upon property rights and the issues of life and death. In Granville there were negro commissioners, magistrates, deputy sheriffs, constables, and members of the general assembly. The chief of police of Oxford and several of the city fathers were also negroes.

The reasons moving native whites to join the Republican party are interesting. I will speak of three of these groups. The first consisted of unreconstructed secession Democrats, disgusted that their brave old party had given up the fight, run up the white flag and was calling itself the Conservative party. The second group was composed of old line Union Whigs, usually men of good family, who had always despised the word Democrat and everything connected therewith. Lastly, there were the poorer classes, opposing caste and privilege, who considered the Democratic party the rich man's party, and looked upon the late war with aversion. "The rich man's war but the poor man's fight," they insisted.

A striking example of the first group—the smallest of the three—was Colonel Hargrove. In this fiery old Rebel's vocabulary there was no such word as compromise. A blue-blooded, Virginia aristocrat, a brave Confederate colonel, one of the fiercest and wildest speakers I ever heard, Tazewell Lee Hargrove had been a states' rights Democrat, and when war broke out resigned from the legislature, organized a regiment and led it in battle. At South Anna Bridge, with eighty odd men, he withstood twelve hundred of the foe, finally seizing a musket and fighting, hand to hand, till he was knocked senseless and taken prisoner and sent to Johnson's Island. In prison the unrelenting man was known as the "Cussing Confederate Colonel." Never would he wear Yankee clothes nor accept Yankee favors. His old gray uni-

form hung on him till it was threadbare. After the surrender the undaunted Rebel refused to take the oath of allegiance and remained in prison till his aged parents went on and induced him to come out.

Finally, the Colonel arrived at his father's plantation on the Roanoke. Soon a call was sent out for a convention of the Conservative Democratic party. The Colonel ventured to attend, his old slouched hat and gray uniform attracting attention. When the time for resolutions came, he rose and resolved that in the late war the North was wrong and the South right and there should be no retreat. The chairman of the meeting, once an old line Whig, ruled the Colonel out of order. The House sustained the chair. Whereupon the Colonel seized his hat and strode from the hall, pausing at the door as he yelled, "You God-damned, lily-livered cowards, you won't hear me today but the time will come when you will!"

In a short time this strange man had rounded up the negroes, become their idol, and become not only the leader of the Republican party but Attorney-General of the state. Many a time have I heard him, on the stump, addressing great crowds of negroes, abusing the cowardly Democrats, and indulging in the strangest kind of logic. "Who freed you niggers? Who but the damn Democrats. (Wha, wha, wha!!) The Democrats, they brought on the war and freed you niggers, and now they are trying to buy your votes. (An' dey can't do it!) Damn 'em, take their money and go to the polls and vote the Republican ticket, from U. S. Grant to Bill Crews, township constable. (Wha, wha, wha! We'll do it, Colonel! Hurrah for Harg!)"

On one occasion Hargrove was haranguing the negroes and cussing the Democratic party, when Captain Williams, a leading Democrat, rose and shouted, "It's an evil bird, Colonel Hargrove, that befouls its own nest." "Yes, damn you," retorted the speaker, rushing down to meet his adversary, "I



was once a Democrat, and as damned a fool as you are now." In the general mix-up the Captain might have come off badly but for Tom Lewis, the burly negro scrapper and once a slave of the Williams family. Such a fight as Tom put up is still remembered, though sixty years have come and gone.<sup>1</sup>

The second group to join the Republican party may be illustrated by James I. Moore, my opponent for the Senate. The Sheriff, having been a Union Whig before the war, had joined the Republicans as a rebuke to secession. Impetuous and dramatic, Moore was one of the most moving stumpers I ever heard—he could set a negro mob afire. Nor did he stop at anything to carry his point. His assumptions and accusations beggar description. Boldly he would charge that Jefferson Davis had stolen millions of Confederate gold from the treasury in Richmond and gone off to England with Judah P. Benjamin, where the two had divided the swag! The Democratic party, according to Moore, had brought on the war and its attendant poverty, misery, and desolation. "The old, rickety, ramshackled affair is based on hate and sectionalism—it lives and fattens on abuse. (Ha! Ha! Ha! Give it to 'em, Sheriff!)

"'Nigger, nigger, nigger' is its only cry. The nigger is the Democratic stalking-horse. Down in Hell—and Hell's where the Democrats belong—(Give 'em Hell, Sheriff! Rub it in! Whoopee-e-e-e!) Down in Hell you can tell a Democrat every time. There he sits holding some little skinny-headed negro between him and the fire. (Wha, wha, wha! Dat's the Gawd's truf. Man, ain't he burnin' de wind!) And now we are going to open the doors for mourners. The grand old Republican party is so broad it will admit even a Democrat, mean as he is, but he must repent and come up here to the mourners' bench. (Bless Gawd, he's callin' for mourn-

<sup>1</sup> I have undertaken to depict this remarkable man, Colonel Hargrove, in an article, "A Rebel Colonel: His Strange Career." *South Atlantic*, vol. XXX, p. 84; reproduced in Boston *Evening Transcript*.

ers! Call 'em up, Sheriff. Make 'em 'pent! Let's have a love feast!)"

At this point the excitement was so great that the speaker suspended and indulged in the usual oratorical accessories. He turned around and shook hands with Hargrove, mopped his brow, threw back his long, flowing locks, waved his arms and returned to the attack. "Are we going to carry this election? You bet we are. We've got two thousand majority. And there ain't a straggler in our midst. We are marching to victory. All we need is straw to put the mourners on. Won't somebody go out and bring in some straw? Straw! straw!! thousands of souls lost for the want of straw!"

On the stump the Sheriff's delight was ridicule of his opponent. "That little fellow, Winston," he would say, "why, he's just a sandfiddler, born away down on the Pasquotank, where the bullfrogs jump from bank to bank. Why, fellow citizens, he's eat so many fish the bones stick out of his back—it takes two men to pull off his shirt, before he can get in bed!"

And there was a third class of white Republican leaders, of which Charles P. Hester, candidate for Register of Deeds, was a sample. Charlie was a lovable young fellow, full of mother wit, and a great fun-maker, as his father before him had been. The idol of the poor whites, he was opposed to caste and gloried in the humble origin of the founders of the Republican party: Lincoln, a rail splitter; Grant, a tanner; Henry Wilson, a shoemaker. Charlie's voice was musical and his mouth stretched from ear to ear. His home was a few miles in the country, out Brassfield way, a stronghold of the old Unionists, a section which had never forgiven the secessionists for bringing on war.

When Hester would remind the people of Brassfield of the days when conscription officers from other states had come in and carried off their boys, who had been killed in battle, while the rich man kept out of the fight, remained at home,

bombproof because protected by the Twenty-Negro Law, the crowd would become livid with rage. On the stump, I once heard Charlie Hester tell of the burial of an eighteen-year-old boy, Billy McGee, a Union lad, conscripted, sent to the Virginia battlefields, and killed in one of the first engagements, leaving a brokenhearted parent.

"Yes," shrieked the speaker, "and you know who I mean, you know that boy's old daddy. There he stands, right there, Uncle Zach McGee, nigh on to ninety years old now, and a better man never breathed. Yes, Uncle Zach, it was your boy, Billy, that was taken up and carried away and killed, and I've heard my old daddy say that when you were burying Billy, over there at Banks' chapel, a secession Democrat showed up and you got your gun and chased him away."

It was up against such appeals we Democrats were put in the 1884 campaign. But we met the issues boldly. We stirred the passions of the whites and told of Radical corruption and thievery. We asked the white man if he was going to give up his government to the black man. We recited the corruptions in county, in state and in nation: the County of Granville, bankrupt, its script selling for twenty cents on the dollar; the legislature of the state issuing hundreds of thousands of fraudulent bonds for roads and schools, and not a rail laid, not a nail driven. National affairs, as bad: Belknap, Grant's Secretary of War, indicted for fraud and resigning under fire; Babcock, Grant's private secretary, mixed up in the whiskey frauds; star-routes fraudulently put up for sale and the proceeds used as a political corruption fund; independent newspapers, the *Nation*, the *Springfield Republican*, the *Post*, deserting the Republican party, refusing to support Blaine for President and organizing a liberal party; Charles Francis Adams, Lyman Trumbull, Charles Sumner, Carl Schurz, and other leading Republicans estranged because of Blaine's connection with the Mulligan letters and fraudulent railroad bonds.

But our efforts seemed to be futile. As the canvass proceeded it was plain that we were going to lose. The combination of the bold native whites with the negroes was too much for us. Something must be done, and done quickly. We therefore set about to sow the seeds of discord in the ranks of our enemy and divide them—a scheme which our leader, Captain Williams, put across by means of two influential negroes, Tom Lewis and Banky Gee, the latter nine parts white, one of the city fathers, and a successful merchant. The Captain induced Tom and Banky to persuade the negroes that they had not been fairly treated in the division of offices. The county ticket had not a negro on it: the white Republicans had hogged the fat offices and given the husks to the negroes!

This poison spread like wildfire. “A negro for Register of Deeds!” became the cry. Tom and Banky called a new Republican convention and put out a full ticket, among others, Walter Patillo, a sleek, oily, negro school-teacher, for Register of Deeds, and W. K. Jenkins—Spotted Bull he was called, being a large, powerful, freckled-faced fellow who raised cattle for the home market—for the Senate. Almost at once this bolting ticket took the stump, stirred up the negroes, and overslaughed the regulars. Patillo proved a drawing card. Undoubtedly, we had overplayed our hands and were bit by our own dog.

Again we concluded something must be done. In great haste our executive committee came together and opened up negotiations with Hester and the regulars. That is, we supplied them with funds—a device which worked like a charm. Again Hester’s stock rose. He scattered money broadcast, engaged the Durham band, employed negro workers, and gave a free barbecue, with free whiskey and free roast pig.

Having crossed and double-crossed the enemy, we virtuous Democrats resumed our canvass, with a clear conscience and good prospects! Our next speaking was out at Tally Ho,

and there was a large crowd, mostly from a doubtful section called Bowling Mountain. Sheriff Bob Garner dispensed the liquors, and no man refused a drink. My task was to excite passion, stir up the whites, and put on the rousements. And this I did to the best of my ability. I paid special attention to the negro candidate for Register of Deeds, Walter Patillo, whose privilege it would be to issue marriage licenses to white boys and girls.

"Yes," I sneered, as I looked over the crowd, "I see some white boys, with a little fur on their upper lips. Before long now you will be wanting to get married, but will your Marse Walter Patillo let you? If you boys don't do to suit him, he may not grant you a license."

At this point the crowd became as still as death; the noise of a falling leaf might have been heard. I resumed. "Last week, in Oak Grove Township, what did Patillo say? He said he would be the next Register of Deeds of Granville County, and proposed to inspect and pass on all marriage licenses. . . ."

"It's a lie," shouted the red-headed, raw-boned, Republican candidate for township constable. "It's a lie."

Pistols clicked. Rocks flew. Bedlam broke loose. At me the irate constable lunged. A blow on the head with a hickory fellowe stopped him. It was struck by Cicero Goss, the cross-roads blacksmith, and my devoted friend. After much difficulty, order was restored, but there was no more speaking that day. Excitement ran too high. The meeting stood adjourned. But the devilment had been done, the issue had been drawn: whites against blacks.

Now, this Tally Ho meeting solidified the whites and drew them into the Democratic party, but it also solidified the blacks and drove them together—a disaster for the Democrats, there being more negroes than whites. In a word, I had over-spoken myself, my Tally Ho tirade had killed Hester and the regular Republican ticket. In this dilemma

Hester, angry and humiliated, sought out the chairman of our executive committee. He must have more money.

"I have come clean with you folks," he said. "But it will take a thousand dollars more to defeat the damn bolters and the niggers."

"But, Charlie," complained Captain Williams, "we've let you have all the money you said you needed. . . ."

"I know it, Captain, but things have changed and . . ."

"See here, Hester, we haven't any more money for you."

"All right, gentlemen, then I go across and ring the courthouse bell and call up the crowd and give the whole damn thing away." And out he stalked, crying-mad.

"Come back, come back, Charlie. How much did you say you needed?"

"One thousand dollars, gentlemen. I need that sum to pay workers and give a final barbecue, at Brassfield, and hire the Durham band."

"Well, here's your money."

Hester's barbecue was a winner. His brass band drew the negroes in great numbers, and his success seemed assured.

How raw and crude all this sounds! Was there any earthly excuse for our conduct? Were we justified in buying up our opponents and in crossing and double-crossing them? The answer is this, "Put yourself in the place of the Southern whites of that day. What would you have done, in these circumstances?" Though we may agree that the South had been wrong in seceding, we must admit that the North was wrong in its reconstruction policy. Nothing can justify giving the ballot to a million credulous, ignorant, penniless, and overwrought negro slaves—mere children, less than grown-ups. Nothing can justify the disfranchising of thousands of leading, patriotic, Southern whites.

In the county of Granville there were more black votes than whites. Nor was there any restriction upon the voting of negroes. Negroes above twenty-one, and many below

that age, as no record of birth had been kept, were electors. Regardless of bad morals, or ignorance, or worthlessness, the Negro race, in a moment, had become citizens of the Republic and peers of their late masters. Little wonder many black counties became bankrupt.

In Granville the five commissioners—two negroes and three disreputable whites—had so badly managed affairs that the county script was worthless. But little did these men care. Though the Board was put in jail for fraud and corruption, it continued to function. In the jail they sat and voted away the people's money. Fraudulent and corrupt script was placed in a split stick, and passed through the windows to note-shavers on the outside. These orders became known as the split-stick script.

The election took place on Tuesday, November 4th, and the result seemed to be in the gravest doubt. Would the Republican split continue? Night and day I was busy, traveling over the county with my friend Tom Washington, whose acquaintance seemed without limit. I soon learned that old Mr. Tom Lyon and his boys were mad at me because I had appeared for a negro and acquitted him of stealing their tobacco. I, therefore, spent one night with the Lyons. Their simple, wholesome, country home was most refreshing, and by means of courteous attention to the women of the family and predictions of good times and thirty-cent tobacco, as soon as Cleveland was elected, and many funny stories I told of their neighbors, Rufe and Sid Bobbitt, my schoolmates at Chapel Hill, I succeeded in wiping out bad feeling and recovering lost ground.

The night before the election, I spent at the home of Charles Hester and his brother Kit. And though I may, some day, forget my own name I shall never forget that night. The Hester home is on the banks of the Tar River and in a dense forest. As darkness began to fall negroes, in droves, gathered around the dwelling and in the grove. They

built a blazing fire. A dozen fox hounds yelped and barked. Whiskey flowed like water. The woods echoed and re-echoed with song and laughter.

About midnight the negroes threw themselves down on the naked ground, with their feet to the fire, and snatched a few hours of sleep. About four o'clock the plantation was astir. Pretty soon we whites, four of us, the two Hester boys and their sedate, tranquil mother and I sat down to the table and gulped hot coffee and bolted hot biscuits, soaked in sop. Scores of negroes infested the kitchen and the yard, eating, drinking, singing, and laughing.

Long before daylight, Hester and I, seated in the same buggy, were on our way to the polls. Presently day began to break, and I crawled out of Hester's buggy and into my own. And then we reached Brassfield, the voting place. The sun rose, clear and fair. The polls were open. All day long I was busy working with the voters. As an elector came up to deposit his ballot I solicited him. But my efforts were vain. I could not change a single vote. Hester's ticket swept the field. At two o'clock, alone and dispirited, I set out for home—with thoughts of the uncertainty of life and hopes of representing my constituency in Parliament blasted. But, off against Hobgood and Tippet's mill, I espied, coming down the road, W. K. Jenkins, one of my opponents. I hailed him.

"Hello, Senator," I said. "How did the election go in Walnut Grove and Oak Hill and Sassafras Fork?"

"Go!" he laughed. "There wasn't any election."

"Why, didn't you and Patillo get any votes?"

"I'll say we did, we got 'em all."

And off he trotted, with a hearty laugh, leaving me feeling better. If Patillo and Jenkins had carried half the county and Hester and Moore the other half, surely my chances were not so bad. Surely I could carry the county against two opponents. And so it resulted.

The election was mine not only by a plurality, but by a



majority. At twenty-four years of age, too young by twelve months, according to the law, to represent the county, I was the senator from the Twenty-first District.

Nor was I in the least repentant for the manner of my election. Not a sigh did I heave. Not a tear did I shed. If the truth must be told I gloried in my unexpected victory. I had accomplished the well-nigh impossible. Moreover, we in Granville had been much more honest in our methods than our brethren down East. In that section it had been necessary to resort not only to fraud but violence.

It was many years before I realized the evil of such conduct. I was but a part of the civilization into which I had been born. It seemed all right that we should hold the Negro in the South and make it a crime to carry him outside the state—and yet deprive him of the ballot. The slogan of the day was, "The Negro for the white man and the white man for the Negro, provided the white man rule the roost!"

But these conditions were not satisfactory to others. My three brothers had kicked out of the Democratic harness, and were co-operating with the Liberals. In 1882, when Brother Pat moved from Bertie to the city of Winston, up in the foothills, he severed his connection with the Democrats and became a liberal Republican. Soon afterwards he made a speech, in the National Convention at Chicago, seconding the nomination of Arthur for President. Brother's letter of withdrawal from the Democratic party had been written by Professor Winston, at the University. It was a statement of the constructive principles of the old Whig party.

Moreover, other influential families were dissatisfied. They were advocating more industry and less agriculture, more business and less sectionalism. The Dockerys, of Richmond, the Moreheads and Dicks of Guilford, the Buxtons of Cumberland, the Dukes of Durham, and many others, were concluding that the whites could control the negroes through a liberal Republican party. Early in the year 1884 such a party

had met in convention and adopted a platform based on the teachings of Henry Clay. It advocated home industries, urged a coherent, unified nation and the abolition of sectional discord. It called for the enactment of the Blair Bill, which provided funds from the national treasury to educate all the people.

Many of my kinsmen, including two of my brothers, attended this convention. Brother Patrick was one of the chief speakers. My cousin, Alex Peace, took a hand. Isaac J. Young, another kinsman and a master of mob eloquence, was the dominating factor. Still another relative, Colonel John R. Winston, participated and soon became the Liberal candidate for Congress.

The Colonel had an enviable war record. After leading his regiment in many battles, he was taken prisoner and sent to Johnson's Island, a fortress so strong, so impregnable, that the American Encyclopedia declares no prisoner has ever been known to make his escape. In this, however, the Encyclopedia is mistaken. On the night of December 31, 1863, with the thermometer at zero and the lake frozen, Colonel Winston and a few of his fellow prisoners made their escape on the ice. The Colonel then rejoined his regiment, did valiant service in the Wilderness and sheathed his sword at Appomattox.

This Liberal convention, though handicapped by offensive negro delegates, nominated a strong ticket. For Governor, Dr. Tyre York, a rough, honest mountaineer. For Treasurer, Washington Duke, founder of the great Duke family. For Superintendent of Public Instruction, F. D. Winston of Bertie. An amusing incident occurred when Brother Pat returned to his home at Winston and was met by his friend, Cam Buxton, with his carriage and span of fine horses.

"Hello, Pat," said Buxton, as the two grasped hands. "What about that convention?"

"Buxton," was the reply, "you know, I left the Democratic

party because of Blank, a damned old thief. Well, you just ought to see what a hell of a crowd I've got into this time!"

The year 1884 was a Democratic year. Cleveland was elected President; Vance, assured of the U. S. Senate; General Scales, a hero of Gettysburg, elected Governor; and I chosen to the state Senate!

And soon a commission came to the Senator-elect notifying him he was to go down to Raleigh and canvass the vote of the state and prepare the election returns and certify the result to Congress. In obedience to this commission I went to Raleigh and received the warmest of welcomes. The Brigadiers gave me the glad hand. The occasion indeed was memorable. For the first time in twenty-five lean, lagging years we Democrats were in power, and at the pie counter! We met in the Senate chamber, whose anterooms were stocked with mint juleps and rock-and-rye, by that prince of entertainers, General Bill Roberts, the youngest brigadier in Lee's army. At night the nominating ceremonies took place, Colonel Saunders, Secretary of State, presiding. Captain Coke's deep, melodious voice boomed. Gas lights shone. Beautiful women looked down from the galleries and gave a touch of color to an already colorful scene. My little barque had cast its moorings and was headed for wider waters.

And yet my triumphs were not without a touch of sadness. During the bitter political campaign my impulsive and generous-hearted brother, Frank, had been under fire and badly misquoted. In one of his speeches he had declared that the fear of Negro domination was a scarecrow—a ruse, a political trick to frighten the whites.

"Surely," he had said, "two million whites, with all the wealth, all the soldiers, and all the guns, can withstand one million poverty-stricken, defenseless negroes, and if not they deserve defeat." This language was twisted and distorted and Brother was made to say he favored Negro supremacy. An attack of this kind wounded my family pride. And when

a raw cartoon was published, I took it into the Cooper bank and exhibited it. The picture represented Brother, seated in an open carriage by the side of a gaudily-dressed negro politician, puffing a huge cigar.

"Henry," said I to Cooper, my brother-in-law, "look at this thing. Why, it's a positive shame!"

"Now, Bob," he laughed, "you sure are silly. Frank's the only Winston ever big enough to be cartooned, and here you are getting mad about it."

## CHAPTER XIV

### WALTER PAGE AMUSES THE BRIGADIERS

MY experience as a legislator moves me to say that Blackstone was right: every young lawyer should represent his constituency, one time, in Parliament. By all odds the law-making department is more powerful than the executive or the judicial, the last two being ancillary and declaratory, the former, original and creative. In a republic like ours the voice of the people is the voice of God and the national Congress and state legislatures are that voice. Nothing gives the briefless young barrister more confidence in himself than to sit in legislative halls, snap his fingers and call a page, receive the homage of the great and powerful and enact laws for the guidance of his fellows. At least such was my case.

Almost at once I jumped to the front, not because of what I had done but on account of my position. While in the Senate two important lawsuits were placed in my hands, yielding a greater fee than my entire salary—business which would have gone to more experienced lawyers but for the fact that I seemed to be the coming man.

It resulted that, before my two-year term was over, I was greatly stimulated—all fear of the future had vanished. As at college winning debating honors and capturing the Mangum medal had given me courage and dispelled Civil War forebodings, so now being one of fifty senators, chosen in a spirited contest, to speak for two million freemen, overcame all youthful complexes. Not only was I a senator but a man among men. And orthodox to the core.

Pretty soon the time came to select a state printer, with a rake-off of six or eight thousand dollars—a job reserved for

the newspaper called the party organ. For this fat place two contestants came forward: Major Hale, a Brigadier of the Brigadiers, editor of the *Observer*, an out-and-out party organ, and Walter Page, an extreme liberal, editor of the *Chronicle*, a new-fangled sheet, always poking its nose into other folk's business, finding fault with the existing order, ridiculing the rule of the Brigadier and dubbing our new Governor a Do-Nothing and a mummy—a Thothmes, in fact, two thousand years old. "You go up to the Old Thing and say, 'Look here, old fellow, this is not the year 2000 B.C. but the year 2000 A.D.' The Old Thing stares vacantly at you and grins and goes its way!"

Why such an insurgent newspaper as the *Chronicle* should have aspired to become the organ of the Brigadiers and the mouthpiece of the mossbacks remains a puzzle. When the Democratic caucus met I lined up with the Brigadiers in favor of Hale. Had I voted for Walter Page he might have been content to pocket the rake-off and edit the *Chronicle*, never becoming Ambassador to England. On this record I submit that I am entitled to the credit of having sent Page to the Court of Saint James'.

There is an interesting circumstance connected with this printing contract: Page and Josephus Daniels were co-operating in securing it. The aspiring and impecunious young editor Page and the equally aspiring and impecunious editor Daniels were hand in glove, opposing the existing order. Page, having lost out in the contest, disposed of his paper to his friend Josephus and moved West.

From this circumstance it has been concluded that Page was run out of his native state, and it is often said he applied for the chair of Greek at our University and was turned down. This is a mistake. I once asked Brother George, at that time professor at Chapel Hill, and keeper of the records, if Page had ever applied for the Greek professorship. He

replied in the negative, adding that the position would have been his for the asking.

The truth is we Brigadiers did not concern ourselves about Page. His new-fangled notions of social and political reform amused us. We rather laughed at than feared the young fellow. As for myself, I considered Page a dreamer, possibly a smart Aleck, exploiting himself, unable to win in a fair fight with equals and stirring up the rabble against their betters!

But it must be said that so long as Page's paper managed to keep head above water, it made a great splutter in the duck pond. The *Chronicle* presented both sides, it played no favorites. Prince and peasant, Tyrian and Trojan, looked alike to Page. News was news—he suppressed nothing. Ridiculous sermons, absurd debates in the legislature, idle gossip on street corners, scandals in high life, amusing court scenes, outworn law from the bench, together with movements to improve agriculture and found agricultural schools and colleges, letters on any and all subjects, from people high and low—this hodge-podge made up Page's *Chronicle*.

A measure to pension Confederate soldiers came before our legislature and, though Page was not interested in this matter, he was impartial and filled columns with the exciting debates. When the bill came up in the house, the *Chronicle's* report was so realistic as to be a departure, the young reporter assigned to the task being a crack staff correspondent and the husband of Julia, only child of Stonewall Jackson. The champion of the bill was a remarkable chap, scarcely twenty-one, a representative from Cleveland County, alternately preacher, actor, and dramatist—Thomas Dixon, soon to be lauded or derided as the author of *The Leopard's Spots*, *The Clansman*, and *The Birth of a Nation*.

On the night Dixon addressed the House not only were the lower floors filled, but the gallery. Expectation was at the highest. Nor were the most sanguine disappointed. The perfervid speaker began in a slow, quiet manner, describing

the sacrifices of the Confederate women, and the valor and heroism of North Carolina troops on every battlefield from Big Bethel to Appomattox Court House—always and everywhere the first to get there, the last to quit, and the farthest to the front.

He then depicted the suffering, the agony, the misery of the wounded and dying as surgeons, with keen knives and jagged saws, moved among them, cutting off mangled arms, sawing off shattered legs, and sewing up gaping wounds. Nor did the consummate actor fail to re-create the scene itself. With one foot on an imaginary bench, as if engaged in the act of sawing, and with arms moving up and down, he crashed the saw through the quivering flesh, as he imitated the cracking of the bones and the tearing of the flesh, with his raucous voice and gritting teeth.

“Great God!” he shrieked, his voice now sharp and piercing, now deep and soul-stirring, his long arms waving, his dark locks tossed to and fro, his keen, black eyes sparkling, his tall, bony frame quivering, his somber, Cassius-like countenance aglow, “Great God! Who can contemplate such a scene without a moisture of the eye, a throbbing of the heart! Give these brave boys money? Yes, give them every cent you’ve got, spare not a copper! And if there be any here today so hard of heart, so lost to all sense of patriotism, and manhood, and decency as to vote against this bill, may he be anathema, as to such a creature may the moldering arms and the withered fingers of those mutilated heroes rise from the dust and tear his eyeballs from their very sockets!”

It did not require Tom Dixon’s overwrought oratory, however, to get my vote for the Confederate pension bill. My admiration for the boys who wore the gray could not have been increased—nothing, in my judgment, was too good for them.

Yet in most matters I was accounted a watch-dog of the treasury. Many a bill to waste the people’s money did I help



to scotch. Among others a raid on the treasury to beautify and adorn the Senate Chamber. This useless expenditure a score of us killed by a stout filibuster. But in the matter of defeating a donation to the Southern Railroad we were less successful. This measure carried a gift of a large amount to the road to enable it to extend its line from Asheville to Murphy, near the Tennessee line. In opposition to the bill I stood, with many of the ablest senators, men who afterwards rose to high place. One of these was Henry G. Connor, in my opinion the wisest and broadest-minded statesman in our midst.

Almost at once Connor and I had been drawn to each other and sealed a friendship which grew with time. For forty years this modest, heroic man refreshed my life. If we were in the same town we saw each other daily. If in different towns, we kept in touch through the mails. Connor never swam with the tide, was never a time-server. With Mansfield he could say, "I wish popularity, but that which seeks me, not which I seek." Though he placed principle above expediency, he rose step by step from the legislature to the circuit bench, thence to the supreme bench and finally to a United States judgeship, by appointment of a political opponent, President Taft.

How different in characteristics was Connor from his friend and mine, Josephus Daniels, whose attorney I afterwards became. Of all the men I have ever known Daniels was the most cock-sure. He never doubted, never hesitated. He did not pause to think, he acted. He had no yesterdays. In the language of A. G. Gardiner he was "a horse in blinkers." He saw neither to the right hand nor to the left, only to the goal ahead, and to that he flashed like an arrow to the mark. But always, and under all circumstances, a partisan Democrat, basing his calculations on the foibles and follies of men. Soon he ceased to be an out and became a regular, his

paper the party organ—the Old Reliable, the Democratic Bible, read and worshiped by thousands.

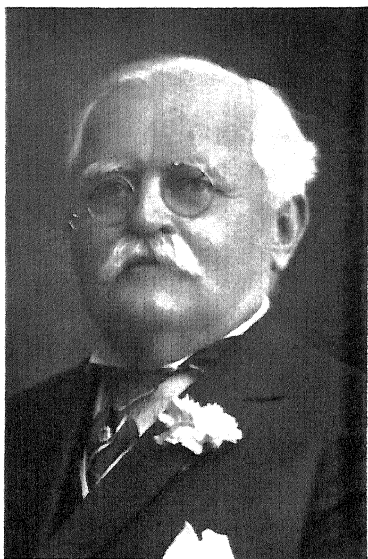
Another interesting character was Judge Walter Clark, whose diversion was holding court, but whose occupation was dabbling in politics. At eighteen he had been a Confederate colonel, and, though sprung from aristocratic ancestors, was a socialist. So lawless was he that when a writ of error was presented to the U. S. Supreme Court, White, Chief Justice, signed without reading it. The case below was a damage suit against a railroad, and Clark had written the opinion!

Though Daniels and Clark were radicals, and belonged to the same school of thought, they could never be intimate—they were too much alike. Each posing as the champion of the people, each casting an anchor to windward and each consumed by ambition. And yet they had points of difference. Daniels was eager to be considered law-abiding—Clark eager to be considered law-breaking. Daniels, Jeffersonian—Clark, Napoleonic. Though Daniels might have looked upon the Constitution as a buffer, organized by the Fathers to shield them in ill-gotten gains, he would never have given expression to this thought. Clark was proud to do so. In private conversation Daniels might speak of the Federalists—Washington, Adams, and Marshall—as speculators, masquerading as patriots, but really exploiting the government for selfish ends. This sentiment Clark blazoned from the housetop, berating Marshall for usurping power when he declared an act of Congress unconstitutional.

Walter Clark was the North Carolina puzzle, a man without emotion and without friendship. His very laughter was cold and calculated. The lawyers practicing before him said his nod, from the bench, meant sure defeat! Just here I will run ahead a bit and say that, in the 1912 Wilson election, Clark requested me to manage his campaign for the Senate, against F. M. Simmons, and one day I asked him to



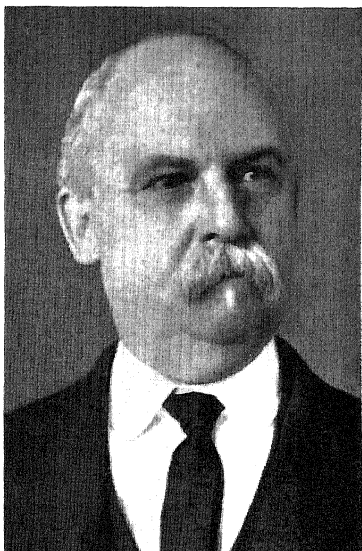
WILLIAM JENNINGS BRYAN



JULIAN S. CARR



JOSEPHUS DANIELS



WALTER CLARK

POLITICAL PROPHETS



give me the names of his friends and supporters. I wished to organize them. "Why, I have no friends," he replied. "Friends are expensive. I expect to be swept into the Senate on the same wave that puts Wilson in the White House."

Again, at a State Convention, Clark selected me to nominate him for chief justice. This I did, and he was subsequently elected. Still again, when Clark sought a place on the Supreme Court at Washington, he asked me to be his manager. In a word, I thought Clark and I were the best of friends. And yet he often acted as if we were strangers and enemies—a course of conduct which he adopted towards everyone, when it served his ambitious purpose and made him an object of fear.

I recall an instance of this trait. An appeal, immediately before my case, was under argument, and I stepped out of the courtroom, for a moment, to get a book—*Black on Judgments*—nor was I absent half a minute. But, unfortunately, the attorney addressing the Court closed his argument just as I re-entered the room. The Chief Justice saw me, but did not wait a second. He called up my case, marked it "Submitted under printed brief," and passed on. Though I insisted on my right to speak and undertook to explain the circumstances, the Chief Justice ruled me out of order and summarily sat me down. Whereupon the four associates were so much outraged that two of them expressed indignation, privately, and the others wrote notes from the bench. "It's a damned shame," Judge Brown's terse note read. "Move to reconsider, at the morning hour," Judge Allen wrote, "and we'll overrule the Chief Justice." At the morning hour my motion was refused. Judicial courtesy prevailed, and I was indignant, not on my client's account, since I had filed a printed brief, but because of the discourtesy. Now Clark's conduct in this matter is easy to understand. It was spectacular, it was Napoleonic, it would cause talk. He would

be considered a judge who dispatched business and was no respecter of persons.

This incident is matched only by its sequel. A few days afterwards Father's portrait was to be presented to the Court, and I was under the necessity of seeing Clark and getting his permission. I approached his home and rang the doorbell. From his window he saw me and came forward, seizing me by the hand and conducting me into his library. Effusively, he presented me to his daughter and her husband, who were on their first visit. "Daughter," said the Chief Justice, "I want you to meet Senator Winston, the very best friend I have in the world!" But my story is running ahead of itself.

No important business of a public nature came before the legislature, except the pension act and the railroad donation measure to which I have referred. The manner in which the latter was put through opened my eyes. The bill was withheld until late in the session, nor did I know anything about it until it was introduced. But I soon discovered. Behind the bill were powerful and divergent elements: a dozen railroad lawyers, who had been elected for the purpose in hand; eight or ten negro legislators who fell into line in exchange for favors shown their race by the aforesaid railroad attorneys; western members, Democrats and Republicans, whose section would be benefited by the road; eastern members, who had log-rolled and secured appropriations for their section.

This bill was adopted amidst great excitement. There were charges and counter-charges of fraud and bribery, and one savage fisticuff. Doctor McAden, a lobbying advocate of the bill, attacked Richmond Pearson, the representative from Buncombe, with a smashing blow, breaking his nose. A dozen or more of us filed a protest, and asked that it be spread upon the record. Our motion was denied by Major Stedman, President of the Senate, and afterwards a member of Congress—the last Confederate to sit in that body.

With a copy of my precious protest in hand I sought my kinsman Colonel Fuller and asked his advice. The wise old lawyer gazed quizzically at me through his kindly eyes and said, "An excellent paper, Robert, most excellent. But, my son, no protest beats the best protest that was ever filed!" I have since grown to concur in this opinion of the Colonel's. Indeed, my friend Connor and I soon came to regret that we had voted against the measure, so greatly did it benefit the beautiful mountain section. So much for the enthusiasm and the wisdom of youth!

Though few public acts of importance were passed, some local measures of the greatest value were enacted, notably those relating to the manner of working highways and keeping up livestock. Previously the highways had been worked by "hands," who had been warned-in to appear, on a given date, with shovel and pick. As to cattle, horses, and other livestock, they had been permitted to roam at large, while the crops had to be enclosed with fences, "horse-high, bull-strong and pig-tight." The father of the useful new legislation was the Senator from Mecklenburg, Captain Alexander, President of the Grange, and perhaps the best posted and broadest minded farmer in our midst. As the Captain was a cousin of my brother-in-law, he seemed to take a fancy to me. In fact, he won me over to his views. Public roads should be worked with public funds, and livestock penned and not suffered to run at large. "Pen the pigs and turn out the crops," was Alexander's great idea. And, as to these two measures, I must say they became the cornerstone upon which the progress of North Carolina was laid. The road law not only relieved the poor man of an unfair burden, but gave us a system of hard-surface roads. The stock law improved the breed of cattle, saved the forests which formerly had gone into fences, and reduced the cost of cultivating fields.

And yet my connection with these measures was accidental. I stumbled into them. But just as soon as I saw and

realized their necessity I became wholly engrossed. Roughshod, I ran over my constituents. Not only did I not seek the endorsement of the farmers, I ran counter to their petitions. Now while this bold, ruthless legislation was fresh in the people's minds, and my conduct under discussion, an interesting episode occurred.

I had been called into the country by Armistead Burwell to appear before a justice of the peace in an effort to open a cartway through the lands of Dick Sneed, and after the trial Burwell had delivered me at Soudan, a brand-new flagstation twenty miles from home, four miles from any local habitation, and without a station agent. Soon after Burwell left me the train came roaring along. Frantically I waved. On came the engine, and heedless of my signals, left me standing by the railroad track. It was a hot, August night that I spent on the floor of a deserted lumber camp, with a hickory log for a pillow. Next day, much bedraggled, I arrived in town and the news of my disaster spread. John Webb, the village wit, made up a good story. John swore I had walked from the station to the nearest farmhouse and knocked up the owner, Wilkins Stovall, at midnight.

"Who is that?" said old man Wilkins, poking his head out of the window.

"It's Winston."

"What Winston?"

"Senator Winston of Oxford."

"The man that passed the stock law over our heads?"

"That's right, sir. I'm the man."

"Well, move on, there ain't any lodging for you in my house."

This was not a bad story, but, like many another, was lacking in foundation. My fellow citizens soon respected me for courage and foresight and honored me far beyond my deserts. I myself gloried in my achievement and wrote out the epitaph to be inscribed on my tomb:



Here lies the author of the  
 Mecklenburg Road Law  
 and of the  
 No-Fence Law  
 who placed his people's welfare above their praise.

The legislative term was sixty days and our pay four dollars a day. Surely we were serving for glory and not money. During the session I witnessed some evidences of bribery, notably the furnishing of free passes and Pullman cars stocked with wine. There was also considerable log-rolling, and on one occasion I heard a suspicious conversation.

"Baldy," said a high railroad official to my associate, "we simply must pass that bill."

"But, Major, we can't get the votes."

"Damn them! Buy them, like cattle on the hoof!"

At this time the hospitality of Raleigh could not have been excelled—every home was open to us. Nor did we lack entertainment. In Tucker Hall a stock company was playing to full houses. Joe Jefferson, master of the human heart, was seen in *Rip Van Winkle*, and many an old soak listened to this matchless impersonator with streaming tears. Carl Schurz, Democratic Senator from Missouri, and sympathetic with the South, though formerly a bitter radical, lectured on Henry Clay, making a wonderfully impressive speech.

At that time, I thought well of this versatile, scholarly German exile. I considered him a statesman, though a mystic and a dreamer. But I soon discovered my error. Schurz was not a dependable man. In 1866 he had deceived the President into the belief that he favored the humane policy of Lincoln towards the late Confederate States, and, on that account, had been requested by Johnson to investigate Southern conditions and make report. Though Schurz went South he consulted no witnesses except partisans, mostly Freedmen's Bureau officials. His one-sided report furnished Sumner and

other radicals a stick with which to crack our heads. Schurz's report, probably, kept the South out of the Union for two years, and was the basis of subsequent Reconstruction.

One day, in the spring, the legislature completed its labors and adjourned. Even at that early season the grass had carpeted Capitol Square, jonquils and daffodils were out, the first wood-thrush had come up from Florida and was calling for a mate. And then my little family of three—my wife, six months' old son and I—spent a few days with the Grahams, in quaint, historic Hillsboro, a borough town, once a political and economic factor and the capital of the state, and still a center for schools and culture.

And such a home the Grahams had—so well ordered, so refined, so hospitable! No ostentation, no striving after effect. Over the door a pineapple—emblem of welcome. Yelping, wiggling pointers hugged you as you entered—each with a pet name, Douschka and the rest. In the stables, Beauty and Ilderim—saddle horses—awaited your pleasure. Out on the lawn was a dreamy-eyed, matronly jersey, with a crumpled horn, and a pot-bag filled with rich, creamy milk—Daisy, her name. I could never pass her by without feeling like tipping my hat! In the garden, every variety of vegetable, from lady-peas to turnip salad. In an adjoining lot, a field of lucerne, waist high, crimson with flowers, which nodded under the weight of heavy-laden bees; in the center, a spreading apple tree, a mass of pink and white and yellow. It was apple blossom time.

## CHAPTER XV

### "HOLD ON, BOYS, DON'T HANG THE BRUTE!"

OUR family was always blessed with good servants, and, strangely enough, three of them were Lucys. There was Lucy Stone, our well-beloved slave, Lucy Long, the talented young octoroon, and Lucy Locket, the modest, ladylike daughter of Aaron and Jennie. We shall hear more of Lucy Locket and of Bennie, the strange, versatile, colored boy—so sly, so devilish sly, as to be a real Joey Bagstock—whom she afterwards took to husband.

Lucy's attachment to my people was genuine. It arose out of a dark and tragic episode: I once saved the poor child's daddy from the gallows. The story is long and horrifying, but must be told; it is a part of the Southern milieu and throws light upon the antagonisms often existing between whites and blacks.

Out at Knapp of Reeds, a crossroads village twenty miles from Oxford, there lived a respected young doctor, with a wife and several small children. On a certain night in November, as the clock was striking three, the Doctor heard a knocking on his door. A neighbor's child had been taken ill and the Doctor was wanted. In about an hour after the husband had gone away, as his wife was falling to sleep again, she was terror-stricken. A man had crawled through the window, jumped upon her bed, and was astride of her, reaching for her throat. Screaming and unstrung, she fled, clad in night dress, and fell, half dead, at a neighbor's door. The community rose up to a man. Excitement was deep and ominous.

Suspicion pointed to a negro, John Taborn, a leader of his race, tall and copper-colored, who lived in the neighborhood. A ladder belonging to Taborn was found at the Doctor's window. Near by was discovered the suspected person's cap. His shoes fitted the tracks which led up to the ladder. He had been seen near the house during the afternoon of the tragedy. On this state of facts the case was presented to a judge and twelve jurors, ten of them negroes, the other two white Republicans.

I had been employed by the Doctor to prosecute and assist the state's attorney. The reason that such an aggregation of negroes and whites should have come into the jury box is interesting. It arose in this way: the county was now Republican, and, when the Judge ordered the Sheriff to summon two hundred special jurors, he selected half from one race and half from the other—one hundred whites and one hundred blacks.

Now, when the jury was being chosen, all of the whites disqualified themselves. One by one, as they came to the book to be sworn, each declared he had formed and expressed an opinion that the prisoner was guilty. In this dilemma I did the best I could. I chose ten of the least objectionable negroes and succeeded in getting two white jurors. At the end of the first day this strange mixture—a jury composed almost altogether of negroes to try one of their race for assaulting a white woman—was empaneled and locked in their rooms. The court then stood adjourned until morning, and that night, in my office, a conference was held, the Doctor and scores of friends and neighbors attending. A more amazed, a more indignant, gathering of people, I never saw. "Lynch him!" was all I could hear. "Lynch the damned rascal—the cards are stacked against us!" And the mob started for the jail. I stopped them.

"Hold on, boys," I said. "I can convict that negro even with that jury."

Older heads came to my rescue, and the trial was suffered to proceed. Never was the Negro race more acclaimed than in my harangue to the jury. I exhausted the list of noble black men. Othello, the big-souled Moor; Hannibal, the near-conqueror of Rome; Terence, the Latin poet; Dumas, the French novelist. Nor did I fail in a reference to the Queen of Sheba, Solomon’s favorite, “comely” and black withal; and Simon, who bore the Savior’s cross. But my eloquence did not avail. The jury hung. All Friday they hung, and Friday night, and Saturday, and Saturday night. And then the patience of my client and his sympathizers was exhausted. The mob spirit broke loose again. Fierce, wild men from Bowling Mountain and the Knapp of Reeds and the Virginia border brushed me aside as if I were a fly.

Sunday at noon I was in my office, worn with anxiety and nervous waiting. Nearby was the courthouse. From my window, I could see the jurors moving about. I could hear their voices, as they discussed the case. And just then, down the street, I discovered a clattering of horses’ hoofs. I went out to see what was up. A hundred men were galloping around the square, their long rifles pointed towards the windows, out of which the negro jurors were peering.

“What dat, boss?” asked one of the jurors of the officer in charge.

“Damned if I know. Looks like Ku Klux to me.”

In a few minutes the court bell rang. Long and lustily it clanged. The jury had agreed. “Guilty of burglary in the first degree, with the death penalty.”

The verdict was duly recorded and death sentence pronounced. John Taborn was hanged. Thousands of negroes stood around the gallows, sulky and threatening. Two white military companies—three hundred soldiers, with bayonets fixed and rifles charged to kill—stood by and saw the noose tied, the trap sprung and the negro’s neck broken. All trouble seemed over. But not so.

In less than a week the town of Oxford was set on fire, burned almost to a crisp. There was no paid fire company. Nothing but volunteers. "Fire! Fire!" rang out on the cold, midnight air. The only available water must come from town wells, and there were only two. "Fire! Water! Water!" everyone was screaming, as they rushed to the wells. But no water could be had. The well ropes had been cut, the chains had been broken. Hundreds of negroes stood by, idle, sulky, lending not a hand. In a few days the town was again set on fire, and detectives from Durham were sent for. As so often happens with amateurs, they rounded up the wrong man. A small, cross-eyed, harmless little negro, Aaron Locket, Lucy's daddy, had been made the goat.

Now, Aaron was Sam Ellis' "nigger" and, at that time, whoever dared run over a "white man's nigger" had to run over the white man as well. Sam, therefore, came to consult me and I agreed to appear. When Aaron was arraigned before the mayor, Ellis and I were on hand, with plans well matured. We would offer no evidence, we would let the prisoner go to jail and await the subsidence of passion. In a few weeks court met, and, as the prosecution was lacking in evidence, I had no trouble in acquitting my client. My fee was a nominal one, the cause of justice having interested me and not the money which I might receive.

In a short time little Lucy Locket, agile and friendly, became a member of our family, and was holding in her arms our first-born, almost as big as his nurse! Who, indeed, can estimate the love of us old fellows for our colored friends. Let me run ahead a bit and faintly illustrate this sentiment. Once during an epidemic of influenza my daughter's family were afflicted with this terrible disease—every one of them stricken down, and the supply of trained nurses exhausted. The malady was highly contagious and victims, by the scores, were dying. No one ventured to go inside a sick room. No one but Lucy. Lucy went in and nursed our sick. In a few

weeks she, too, was attacked. And then, turn and turn about, my daughter nursed Lucy, put her in the best bed, sat by her side, and tenderly ministered to her.

In well-ordered Southern families there was always a Lucy Locket, patient and easy-going—serving us not so much for money as for affection, proud of family tradition and—sniffy of poor white trash! Unless one's “heart was in the right place,” he had best fight shy of the aristocratic old darkey! For, as Alderman so well observed, when returning from a foreign trip, there are extant today only two specimens of the aristocratic past: the unchanging camel of the desert, and the old-time Southern darkey!

Down in South Carolina I once had a friend whom everyone loved—Aunt Mattie, a forthright woman of good common sense and generous emotions. Now, Aunt Mattie's cook was Leila, and her housemaid, Fanny. Both coal black, both loyal, and each with willing hands and a tender heart. When Aunt Mattie had grown old and feeble, her thoughts wandered back to childhood days, out at Kitching's Mill, and she would have her colored friends come in to sing and talk with her. Finally the end came and Leila and Fanny were among the sorrowing ones. Just before the vital spark went out, Aunt Mattie feebly motioned to Fanny to hold her hand. Then came the end. The hand of the black woman had led the white woman through the dark waters.

But there was another side to this picture: the great body of whites and blacks were drifting apart. Even in conservative North Carolina, violence was on the increase. We have seen how Shadrack Hester and John Brodie were taken from jail and hung to a limb. And lynching begat lynching. In a few days the Regulators shot to death a “bad” negro, as he walked the streets. And then three other negroes were taken from jail and hanged to one limb, not larger than a man's wrist—so small as to suggest sheer contempt—and so

near the ground that the dead men's toes traced marks in the sand, as their bodies swayed to and fro.

The hatred of poorer whites for blacks was simply unbelievable. On one occasion, when our town constable was shot in the arm by a negro, he was so much humiliated that he ground his teeth in the flesh, bit off the wounded parts and spat them out. Frequently, the savagery of someone of a mob would become a badge of honor, a thing to be remembered—a family heirloom.

On the Virginia border, some twenty miles away, a negro once made an indecent approach to a reputable white woman, and her screams brought the neighbors. The brutish fellow was captured, taken to a near-by tree, and a rope wrapped around his neck. Just then a well-known doctor, my family physician, came galloping up.

“Hold on, fellows,” he shouted. “Don't hang the brute. Let's castrate him.”

The operation was performed and the crowd dispersed, the Doctor cautioning the victim to lie still for a full hour on penalty of bleeding to death if he stirred. Hardly were the words spoken when, through the woods, the terrified negro dashed. Many a time have I heard the Doctor relate this story, winding it up by sauntering over to his mantel and taking down a glass jar, hermetically sealed, and filled with alcohol.

“Here they are, boys,” he would laugh.

All this sounds raw. It is raw. And yet I dare be sworn that the Doctor was one of the kindest and most generous men to be found in any community—respected and beloved by blacks and whites alike. Large, portly, deliberate, with white silken beard, a twinkling eye, a merry laugh, and a natural aptitude for his profession, the Doctor was the ideal country physician. His mere presence would banish sickness and shoo death from the sick room.

In those primitive days preventive remedies had scarcely



been heard of. Typhoid fever was often a scourge. Sometimes an entire family would be wiped out by this affliction. At these times he became the community hero. He acted as nurse as well as physician, reckless of self and with no thought of compensation. In the cause of mercy he spent himself unsparingly.

Oxford was a town without industries or wealth, but by no means a pent-up Utica. Churches dotted every corner; barrooms and brothels outnumbered them three to one. The war had left the little place awash. Seedy old Confederate colonels, wearing ante-bellum finery, sauntered down Main Street affecting the manners of Sir Roger de Coverley and the language of Addison. Adventurous fellows, returning from the Bad Lands of the Dakotas, where they had killed their man and sat on many a drum-head court martial, were now back at home, playing poker with visiting judges and lawyers, chasing foxes and hunting deer on the upper Roanoke, and organizing the whites to put “bad” negroes in their place. Pious women were herding themselves, in Walter Page’s expressive words, around the stagnant pools of theology.

But, withal, Oxford was a place of culture. A Shakespeare Club was functioning. There were good schools, an outstanding orphanage, literary clubs, reading circles, and conversational groups. Every night there would be games of chess and poker with high stakes and long hours. A story is told of a dignified old Oxford jurist. One morning, after he had spent a night at the card table, he found himself so much ahead of the game that his pockets bulged with bills, as he walked through the town on his way home.

Another story is told of two boon companions, in their cups, each so afraid the other was drunk and could not find his way home that one escorted the other back and forth till the sun was well up in the sky. Strange characters called Oxford their home, and gave it a flavor few towns possessed.

One dandified little fellow—our Beau Brummell—in blue satin vest, patent-leather boots, yellow kid gloves, tall hat, and a sporty cane, was unexcelled for drollery and extravagance.

During a season at Buffalo Springs, just over in the Old Dominion, our Brummell surpassed the reckless and bibulous sugar planters of Louisiana and the cotton kings of Mississippi. Strutting up to the bar and calling for a fifty-cent cigar, he pulled out a roll of money, selected a crisp, new dollar bill, lit it by the igniter and coolly puffed ahead till his smoke was under way and the note had been consumed!

When a poor woman died in Oxford, and no one volunteered to take her body to the family burial ground thirty miles away, our little dandy, dressed as for a ball, with gloves and broad white shirt-front, undertook the job. He hired a hearse, deposited the body inside, threw a jug of liquor in for good measure, crawled up by the side of the jug, lashed the horses into a gallop and was off! As dandy, hearse and corpse rattled along the highway and through the little villages of Tally Ho and Bell Town and Knapp of Reeds, the astonished people came out to see.

I once made a trade with one of these eccentrics, whose people had been wealthy. I bought a town lot, paying five hundred dollars cash, and imagined I had picked up a bargain. In fact I was in fear lest I might be hauled in court for cheating an imbecile. But I never was—quite the contrary! After holding my lot several years, and hawking it on the market, I sold it at a loss of two hundred dollars! No one, in truth, should deal with a fool—he's sure to be bit. I knew an old farmer who made just such a trade. He swapped a well-broken Kentucky mule for a worthless plug of a horse, a fine-looking animal, guaranteed by an idiot to be first class. When the old nag was hooked up to the wagon, he kicked, and when put to the plow, he backed and filled.

"Look here, young man," said the farmer, "if you don't

bring back my mule and take this old plug, I'm gwine tell your guardian.”

“Humph!” grunted the idiot. “My gargeen was app'inted to keep other folks from cheating me, not to keep me from cheating them!”

Perhaps the happiest days of my life were spent at Buffalo Springs, owned and operated by that stern, eagle-eyed Virginian, Colonel Thomas Goode. Every season the atmosphere of culture and refinement, together with the virtues of the waters of the Springs as a cure for kidney troubles, would draw together the choicest spirits from all over the South. Nearly every state would be represented, each honored with a cottage bearing its name. At Buffalo we met such interesting people as Senator McCreery of Kentucky, Governor Bloxom of Florida, Nichols of Louisiana, Jones of Alabama, Holt of North Carolina, Swanson of Virginia, and congressmen, judges, and lawyers.

Buffalo was a synonym for simplicity and hospitality. There were a thousand acres of oak and hickory and of meadow and wheat and corn lands. The main building was situated in the center of a grove of fine trees. Scores of cottages stood around. Surmounting Buffalo Creek was the Goode cottage. Upon the hill were the Laird cottage and Patterson Heights. Bachelor quarters were known as Rowdy Row. In the rear of Rowdy Row, Solomon's Temple was the resort of the poker crowd.

Equidistant from the cottages, and at the foot of a long hill was spring No. 1, with a gracious canopy, under which pretty, red-cheeked girls led their beaux a merry dance. Near the spring house were the bowling alley and ten acres of garden, rich and loamy and groaning with the weight of summer and fall vegetables and Rocky Ford cantaloupes. The stables would house a score of horses.

After a year of labor and toil how restful to me was Buffalo Springs! Early in June my little family and I would arrive.

Those were days to be remembered and nights never to be forgotten. At ten in the morning we would assemble in the Laird cottage—the Ed Strudwicks of Hillsboro, the Allison Hodges and Valentines of Richmond, the Boylans of Raleigh, the Holts of Haw River, the Lairds of Boydton, and the Caldwell Hardys of Norfolk. Perhaps they would ask me to read a scene from *Pickwick*, or we would have a rubber of whist. Sometimes a bowling match would be arranged, with sides of four and prizes and souvenirs. Soon after the noon hour Billy Boylan would call out that the juleps were frosty. Then off would stroll a merry party to the genial Alexander cottage, sipping juleps and telling funny stories till dinner was announced at two.

After dinner the ladies would stroll off to their cottages to rest and gossip. The men would gather on the veranda of the main building and talk, not in detached groups but in a body, as only a Southern man can talk—of ridiculous court scenes, of political conventions, and mainly of war.

"By God, sirs, if Albert Sidney Johnston could have lived thirty minutes longer, at Shiloh, he would have destroyed Grant's army, driven it in the river and ended the war!"

"Quite right, sir. Sidney Johnston was the greatest genius that ever drew sword."

"Not greater than Stonewall Jackson, Colonel?"

"Yes, sir, counting the odds, he was."

"But, Colonel, could we ever have won?"

"Undoubtedly, sir, if we had taken Washington, after first Manassas. Beauregard was right, sir; we should have marched into Washington, taken the Capitol and got foreign recognition."

"Well, gentlemen, in my humble judgment, we lost when Stonewall Jackson was killed. God Almighty himself could not whip us till he put old Jack out of the way."

"Them's my sentiments; we should have forced the fighting, as Stonewall insisted."

"Forced hell! Young man, do you know how many battles and skirmishes and other engagements took place during those four years of hell and destruction? No? Well, I'll enlighten you. Three thousand, in all. Yes, three thousand, big and little. Two fights for every day in the year, Sundays included. No, gentlemen, Marse Robert was a fighter; no tiger ever fought as he did."

At one of our morning readings an incident of sociological significance occurred. I had just read *The Dream of John Ball*, a stirring appeal to the rich to become social-minded and share their culture with the less favored, a sentiment which greatly moved those who sat around and heard the reading.

"Now that's what I say," spoke up one of the De Rosset girls.

"And so do I," said Annie Roulhac.

"Well, why not do something about it and do it right now?" put in a third convert to the teachings of John Ball.

It resulted that the Misses De Rosset and Roulhac, aristocrats to their finger tips, were appointed a committee to carry out our uplifting project. They were expected to call on Reverend Mr. Ray, a Methodist preacher, leader of a group of thirty or forty simple-minded people who had not been enjoying the juleps and cards and bowls and dances! We proposed to break through our iciness and share our pleasures with these poor people—give them social recognition and distinction! Pretty soon the committee got busy. Meeting up with the large, oleaginous Parson, jolly and big-voiced Fanny De Rosset jauntily hailed him.

"Good morning, Mr. Ray," she said, "I am Fanny De Rosset."

"What's the name?" roared the Parson, attracting no end of attention, and making a cup of his ear. Abashed by the Parson's patronizing tone and the disturbance she had created, the chairman mildly repeated her name.

"De Rosset? De Rosset? . . . Seems to me I have hearn

tell of that name. Now, sister, why didn't you make yourself known sooner? I am leaving in the morning and I could have helped you gals enjoy yourselves!”

The committee made due report and was discharged with thanks and laughter!

One evening, as we were all seated at the six o'clock supper table in the big dining room, we heard ear-piercing screams from the direction of my cottage. With one impulse, we started up—a dozen of us, men and women—running for dear life to see what had happened. As we approached, the screams increased. Through the door we burst, and there in the middle of the floor was my lusty, full-blooded young son, aged four, whom Lucy had left for a moment to fetch a porringer of milk, jumping up and down and screaming, “I want to pee! I want to pee!” It will not detract from this little story, I trust, to mention the fact that twenty years later the little chap in question was a Captain in the World War and firing heavy guns in the Argonne forest.

The Horner sisters—six of them in all—were good housekeepers and given to hospitality. At their boards one might expect wit and good cheer. And our home endeavored to keep up the family tradition. One evening, at each term of court, the judge and lawyers would be with us to digest plump partridges, sizzling link-sausages, crisp waffles, and Lady Baltimore cake—the occasion enlivened by sundry bottles of port and sauterne supplied by a cheerful salesman named Pottle, representing the Brotherhood Wine Company.

The annual visit of Mother and Sister was anticipated with delight. Once my old schoolmate, Will Fuller, came over from Durham, in search of rest and quiet. Moreover he was in a dilemma, and wished to talk the matter over with me. Previously he had been the attorney of the Bull Durham Tobacco Company and of J. S. Carr, its president, generous to a fault, and our very first millionaire.

But recently the Duke family, unfriendly to Carr, had also

employed Fuller. In this dilemma the young lawyer was perplexed. And his troubles grew when Carr became a candidate for Governor and asked Fuller to take charge of his campaign. What should the young fellow do, shake his old friend or forego a large retainer and possibly a great fortune? With the Fuller loyalty he came out for his friend. Nor did he lose the Duke business. Fuller was an unusual man. He rose from the office of a country lawyer to be a financial factor in the city of New York. As attorney for the American Tobacco Company he directed matters of the greatest magnitude both in America and in England, and his work was so well done that the tobacco interests were less affected by the depression than any other.

Strikingly handsome, and with a genius for friendship, Will Fuller was as simple as John Marshall. Seeking no office, ridiculing titles, shams and pretenses, running with the barbecue crowd and the horse-swappers, hanging around Blacknall’s corner drugstore when not engaged in business, swapping homely yarns with the country people—such was Fuller, in his younger days. His home in New York—whither he moved when under forty—was never to his liking.

At fifty he retired to his farm, “Haymount,” near Briarcliff, up the Hudson. There, his advancing years were gladdened by visits from boyhood friends. At Haymount he lived the life of a retired gentleman, as George Washington and the Fathers had done.

Frequently Brother George would run over to Oxford and delight us with his unfailing wit. Brother, indeed, continued to be a second father to me. Walking around my premises—a widespreading lawn and a two-acre garden—he would speak words of praise. The homelikeness of the surroundings gave him satisfaction. My knack of saving money touched him.

“Robert,” he would laugh, “you remind me of old Uncle Ben, our crazy slave. When I would give the old man a

piece of money, he would bow and grin, and dance the half-around and croon:

There's no friend so true,  
As a dollar or two."

Brother would often compare me to Father, and he and my wife would laugh at my conservatism and declare I was radical in nothing but moderation! The attention of my wife to the table, where nothing fried or greasy appeared, provoked Brother to unstinted commendation. We had a special kind of whole-wheat bread, well risen and light as a feather, whose virtue consisted in a small addition of Irish potato to prevent dryness. When these wonderful rolls would make their appearance, he would call out, "Hail the all Sophronias!" in honor of the maker.

On one occasion, soon after a visit of Brother, I discovered that Lina, our faithful cook, was with child, though minus a husband. In my distress, not at a violation of the Commandment but at losing Lina's services for a season, I conveyed the sad intelligence to Brother. In reply he wrote, "Do you expect all the virtues for three dollars a month?"



## CHAPTER XVI

### "I CAN'T VOTE FOR THAT RASCAL!"

WHILE still a member of the Senate, I became a candidate for Solicitor of a district composed of eight counties and including the flourishing towns, Durham and Greensboro. This job was not only lucrative but a stepping-stone to something higher. Frankly, I again admit I was out for self and not for the public good. If selected as prosecuting attorney, I intended to do my duty and conduct myself in the dignified and orderly manner of my predecessors, but I had no reform measures up my sleeve and no changes to suggest.

Now this statement, as I know, is out of line with precedent, it being said of aspiring statesmen that they are sacrificing self for the public good! In this connection, I will remark that much harm has come from just such Buncombe. Young people know their forefathers were not angels. Why keep up the delusion? Everywhere human nature is the same. Virtue is a matter of degree.

At the convention, which met in Durham, I failed to get the nomination. The leaders were against me. Yet the result was close. On the third ballot, when all candidates had been dropped except Jake Long and myself, the vote stood 165  $\frac{1}{4}$  for Long and 164  $\frac{3}{4}$  for Winston—an indecisive result, since the convention had adopted a resolution that the successful candidate must have received more than a fractional majority. But, when Fred Strudwick, Long's manager, a man of irresistible gifts of oratory, took the floor and insisted that the majority, however small, should rule, the convention was thrown into confusion. Friends of each candidate jumped to

their feet and spoke in fiery language, my delegates calling out, "Vote! Vote! Ballot!"

Now, a leader of the Orange delegation was Brother George, always more interested in my success than his own. Quickly leaving the hall, he came running down to the hotel to bring the news of the deadlock. What should we do, demand another ballot or concede Long's nomination? We decided wisely. I should hasten to the convention and withdraw.

In a trice, Brother and I were in the hall, and as I strode down the crowded aisle and through the agitated concourse, the hubbub ceased. Stillness reigned. It was felt that something was in the air. Mounting the rostrum, and rising to my full height, I declared, in a bold, ringing voice, that men perished, passed away and were forgotten, but not so with principles. Great principles never died!

"In this crisis," I exclaimed, "I am nothing, the grand old Democratic party is everything. Therefore, here and now, I withdraw my name and ask that the nomination of the Honorable Jacob Long be made unanimous!"

Amidst great shouting and clapping of hands, the result was announced and harmony restored. The convention soon adjourned, and the delegates—Long men and Winston men—came forward and took me by the hand and praised me to the sky. "Look here, young man," they said, "whenever you run again, let us know. We are for you for anything, from Judge to Governor." As we shall presently see, this was one of the wisest steps of my life. Out of defeat came victory. I had done something unselfish, something magnanimous, something out of the ordinary.

There is a lesson in this defeat, a lesson for all who lose out in any contest. The man of nerve and pride and foresight is more benefited by defeat than by victory. Defeat will spur forward such a man. He will resolve that the world shall know he is not a weakling but a grown man. Perhaps,

at the time, I did not understand the significance of my defeat. I did not then know that opposites are so much alike. A virtue, unduly extended, may become a vice: Liberty carried to excess is tyranny.

After my defeat I did not run for office again for several years. Yet I kept before the people, my ear to the ground. I attended political conventions, served on Democratic committees, and made campaign speeches. I addressed schools, colleges and picnics. It was a time of political disquietude. The farmers were restless, cotton bringing five cents a pound, wheat sixty cents a bushel, tobacco less than the cost of production.

The farmers were ready to bolt. The Grange movement was gaining strength. Even as early as 1888 the Southern states would have voted against Cleveland and his gold-standard, civil-service, free-trade doctrines, but for fear of the Force Bill and Negro domination.

The year 1888 saw an end of Brigadier rule; it also marks the beginning of a new era in politics. At that time the under-dog began to assert himself; the toilers became articulate. In the Democratic State Convention Colonel Steele nominated for Governor a practical farmer, Sid Alexander. In a memorable speech, the Colonel, a planter, a manufacturer, and a member of Congress, called attention to the unhappy condition of agriculture.

"Ah," said he, in his broad Scotch accent, "our Governor should be neither lawyer nor warrior but a common-sense farmer. And such a man I have in mind. I would not detract from the well-earned fame of our opponents, from the good name of Judge Fowle, or the military record of Major Stedman, but, sirs, I remind you that there are hills beyond Pentland and firths beyond Forth."

Though Fowle was nominated, the seeds of a social revolution had been sown and were soon to germinate. In the convention I voted for Alexander, not because I endorsed or

understood his views but because of family ties. In the campaign I canvassed for Fowle, and so did Alexander. The farmers likewise fell into line and voted the Democratic ticket, placing party above pecuniary consideration. But this was almost the last time the party whip cracked successfully. The farmers soon broke away from their old moorings.

At this time, indeed, portents of evil confronted the Democrats. Ever since Jarvis, the progressive Governor, had gone out of office, the party had been marking time, its leaders content with the past and the drawing of salaries. The appeals of such Populists as Peffer and Weaver, in the West, and L. L. Polk and Marion Butler went unheeded. The demand for free silver and protection for the farmer, as well as the manufacturer, was laughed to scorn—it was an idle dream. "When I present your grievances to our political bosses," exclaimed Colonel Polk, addressing a gathering of Populists one day, "what reply do I receive? A scornful 'Plow on! Plow on!'"

The year 1889 was the centennial of our University. In 1793 the cornerstone of the Old East had been laid and the first state-college building in America begun. The centennial occasion was celebrated in befitting style. The congressional delegation attended, and so did the Governor and his staff and hundreds of alumni. The campus was gay with state and college flags, with music and dancing and oratory. A comprehensive movement to organize the alumni was begun, and a fund to supplement state appropriations subscribed.

And when Carr, class of '65, rounded out the requisite amount by a gift of ten thousand dollars, there was such a scene as I had never witnessed. A gift of ten thousand dollars! Why, the thing was impossible; it staggered credulity. Nothing of the kind had ever been heard of before.

On alumni day the classes were called in order, beginning with the ante-bellum. And then the old boys, loyal sons of

Carolina, most of them followers of Lee and Joseph E. Johnston, rose and told of their struggles and triumphs and pledged loyal support to Alma Mater.

After the class of 1865 had been heard from, the order of exercises was changed, and the class of '79 was requested to come forward. Proudly we came, twelve of us, Billy Peele, our sedate president, and Frank Winston, our jovial secretary, in the lead. The roll call disclosed no absentees. All were present, young men soon to cut some figure: an Episcopal bishop, a justice of the Supreme Court, a circuit judge, a congressman, a mayor of a flourishing city, a U. S. district attorney, an eye specialist, a successful planter, a banker, a manufacturer, a notable neurologist, an old-fashioned country doctor.

The preliminaries over, Peele turned to the audience, which crowded the new Memorial Hall, and explained that the class of '79 had offered a silver cup to the first male child born to one of its numbers, and the committee appointed to investigate had made due report. "This high honor," said he, "has fallen to the lot of a son born to Robert Watson Winston."

"Amidst great applause," so the President, in his *History of the University*, writes, the lucky father and his five-year-old rose, the boy in a Lord Fauntleroy suit—Best & Company's choicest creation—knee pants, silk stockings, slippers with silver buckles, a sailor collar of lace, and a blood-red sash.

"Teach this youth," said Billy Peele, "to fall in love with some great truth, tenderly to woo it and bravely to wed it."

"Classmates," said I, "this expression of love moves me greatly. And the more so since the class of '79 was never given to emotionalism. A self-willed body, thoroughgoing individualists, in fact, we sat in the rear of our affections. We were wedded to liberty, but to liberty under restraint. It is not my province, however, to make a speech; the acceptance of this gift should be by the recipient of it."

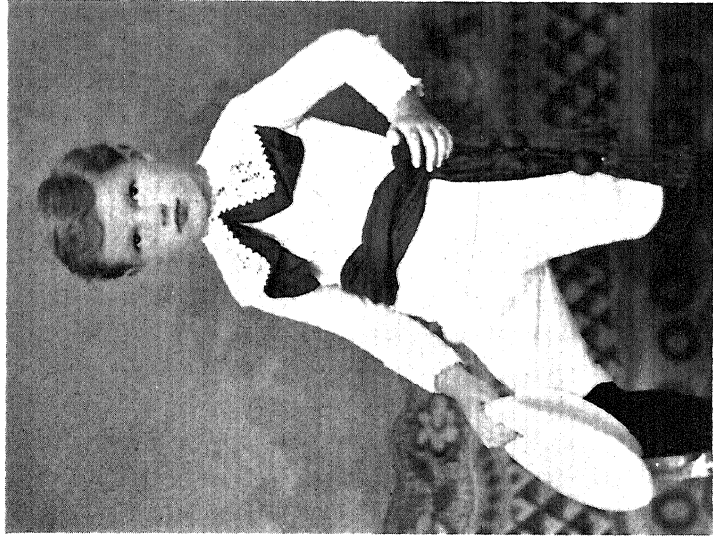
I then took my little boy by the hand and conducted him to the front and he repeated, in clear, childish voice, these simple lines, composed by our cousin Betty Jordan:

If ever I have an eldest son  
 And he's a little boy like me  
 And doesn't know a single thing,  
     Not even ABC,  
 I hope he won't get a silver cup,  
 For then perhaps they'd pull him up  
 Before some crowd to blush and bow  
 And make a speech when he didn't know how.

The University Centennial of 1889 was the occasion of my first visit to the Hill since graduating in law, and I noticed many improvements. A railroad had been built. A reading room with magazines and papers had been provided. The college was growing more liberal. Students could now belong to the Republican party and walk through the campus without insult or badinage. The older professors were dead and gone—great-hearted men, just the sort to raise up the old University from her ashes. In their places had come younger leaders, better scholars no doubt, more learned and more technical, but were they more useful?

The changes in Father's family were even greater than at our University. Sister had married a lovable fellow, a comfort to us all and a lawyer of wide learning. At sixty-six Father had passed away, and not far from his resting place, in St. Thomas' Churchyard, sleeps his humble friend, Charlie Shepherd. My three brothers were now lined up against the Democratic party. Frank, a Republican member of the Senate and always to be found on the side of progress and liberality: greater endowments for Chapel Hill, larger appropriations for hospitals and orphanages, and substantial aid for scientific, agricultural experiments.

Brother George, less vocal because of his position as pro-



CLASS CUP WINNER



THE HINTON JAMES OF THE POST-BELLUM UNIVERSITY





fessor, was critical of the slipshod methods of our state and of towns, cities, and counties in having neither audits nor budgets. The people were wholly without knowledge of financial affairs. "Why should not the South do as New England, hold town meetings, discuss public affairs, and give them publicity?"

Brother Pat had ostracized himself, taken up his abode on the Pacific coast. Before joining the Republican party he had built up a good practice at Winston-Salem, but a change from Democrat to Republican had been fatal. His business had left him. A conversation between him and Cam Buxton, when he was leaving for his Western home, is characteristic.

"Good-by, Buxton," said he to his generous friend, "when next I cross the Rockies it will be as a corpse or a congressman."

This prophecy was not literally fulfilled, but in spirit it was. In the growing state of Washington Brother made a place for himself. Soon he filled high offices. President Harrison appointed him United States Attorney, and the people elected him Attorney-General. But his name is not remembered from the places he held. Office seemed but to lessen his fame. An open life, great-heartedness, never-failing wit, these gifts set him apart. As James Hamilton Lewis, Congressman from Washington, once remarked, "When the story of the great West is told, its pages will be writ large in terms of Patrick H. Winston."

Soon after Brother Pat was appointed U. S. Attorney, a citizen of Boston wrote and enquired as to the city of Spokane. The writer wished to move to that progressive place and make it his home.

"What, then, are the chief industries of Spokane?" he asked.

"Dear Sir," was the answer, "Your letter, asking about the chief industries of Spokane, has been received. In reply I will say that our chief industries are grand and petit larceny.

If you are not good at either of these, I advise you to stay at home!" As might be expected this pungent and grotesque turn was greatly appreciated by the cosmopolitan citizens of the expanding West.

On one occasion Brother, very bald, very fat and very short, was canvassing for the Republican ticket and great numbers had assembled, men carried away by Bellamy's new whimsy—an equal distribution of wealth among the people. In the crowd was a lank, long-haired, bushy-whiskered individual who soon grew tired of a speech based on constitutional principles. Rushing upon the stage, this wild-eyed, hirsute Marxian confronted the speaker.

"Colonel Winston," he roared, "we are tired of your platitudes. What we want you to explain is the unequal distribution of wealth."

"I'll do it, my friend," said the speaker, placing his bald pate by the side of the hairy intruder. "But you must first explain the unequal distribution of hair!"

Though reverentially inclined, Brother admired the free-thinkers of the ages, Voltaire, Ingersoll, and others. Indeed, he concluded that life to the thoughtful person is a puzzle so complicated that he usually passes through three stages, reverence, ridicule, and contempt. Or, to use his words, "We first worship the gods, we then make the gods and we then despise them!"

Naturally, so open-hearted, versatile, and cosmopolitan a being was without money-sense—one day very rich and the next as poor as Lazarus. Once, while Attorney-General attending the Supreme Court at Olympia, he received a telegram announcing that his home had caught fire and was burning up. "Your wire received," he replied, "and I trust to God the mortgage is burning with the house!" Another story is told. When Colonel Winston, as he was now called, was driving through a narrow road he met a wealthy, overbearing citizen. Each man was in a horse-drawn vehicle, and

one or the other was under the necessity of yielding the right-of-way. "Give me the road," the stranger yelled. "I am the President of the Union Trust Company; I am Mr. Stone, sir."

"Yes, by God, and I am Patrick H. Winston, sir, and if you don't get out of my way, Mr. Stone, I'll macadamize the road with you!"

It will be observed that my immediate kindred, except Father, had rebelled against the existing order. We were, indeed, a family in mild revolt. Father and I alone were conservatives. Neither he nor I was a venturesome spirit. We were cautious. We understood that the South was in a blind alley. The Negro question prevented discussion, prevented liberty of speech, prevented a free ballot. As for myself I was a standpatter. With David B. Hill of New York I proclaimed: "I am a Democrat!" Once only did I waver and grow rebellious.

A corrupt fellow was on our ticket, running for office. I bucked.

"Mr. Cooper," said I, to the chairman of our committee, "I just can't vote for that rascal."

"Well, Winston," rejoined the canny old Scotchman, biting down on his quid of tobacco, "when you get my age all you'll want to know is the name of our son-of-a-bitch!"

Now it was not difficult for an old secession Democrat to line up with the existing order: he was at home, I was not. I could not forget the teachings of my childhood days, how those patriots, Badger and Graham and Morehead and Gilmer and Worth had declared that hotheads South and hotheads North had played into each other's hands and wrecked the fair land of Dixie. But I acquiesced and followed old man Cooper, voting for every rascal on our ticket. Not only did I eat crow, but smacked my lips and said it was good!

In a few years a vacancy occurred in the office of Judge of the district, and my name came before the convention. Four of us entered the race, Womack, the able incumbent,

Baldy Henderson, a grandson of the famous Chief Justice of that name, Levi Scott, a scholarly lawyer, and myself. On the first ballot I was nominated, carrying every vote in my home county, and in Durham, Person, and Orange, with three votes from Alamance. At twenty-nine I was a judge, passing upon the lives and property of nearly three million people.

Out of the defeat at the Solicitor's convention had come victory—defeat had made me a judge. At the polls in November I was duly elected, indeed, I received, I believe, a larger vote than any other candidate. And, at ten o'clock on the night of the election, my wife's charming, jocular, roguish young sister, wife of my chum, Henry Cooper—presenting him by the way with nine handsome children without a wrinkle in her face—staged a mock celebration of my victory. She gathered together the neighboring youngsters, and over they came to our home, with tooting horns and rub-a-dub-dub tin pans, yelling like wild Indians and hurrahing for "J-u-d-g-e W-i-n-s-t-o-n." "Speech! Speech! Speech!" they screamed.

My wife's sisters cared little for politics or office. The Church and the history of their mother's people were their long suit—they preferred to be descended from Sir Thomas More, of Utopia fame, than to hold any office. Their days and nights were given to a study of Church history. They were thoroughly convinced that the Church of England antedated the Church of Rome! At a general convention of the Church, held in Richmond, the Bishop of London was the big shot, and one of the girls was a delegate, mainly, as I used teasingly to say, for the purpose of getting a first-hand denial from so high a source of the false charge that the Church of England had its origin in the fifteenth century.

"Bishop," she said, her eyes sparkling, "do correct the error that Henry the Eighth established our church."

"Why, dear lady," answered His Reverence, "the very frogs around Fulham Palace know better than that!" This

delphic answer was entirely satisfactory and went the rounds of the faithful.

The first court I held was in Raleigh, the county seat of Wake. It was officered by new men all around, a new solicitor, a new sheriff, a new clerk, and a brand new judge, not yet thirty years of age. The docket was crowded—six capital felonies and numerous other grave cases. In the bar were seated a number of strong lawyers, ready to take advantage of any loophole in the law. In this situation, I called the solicitor, Ed Pou, into my chambers and closed the door.

"Pou," I said, "one word. We are all new hands at the bellows and we must be orthodox."

During the remainder of the term from January to July, around a dozen firesides, Pou delighted in telling this story, winding it up with a hearty laugh. There were two of these Pou boys, Jim and Ed, and of all the heavyweights I came in contact with none gave an impression of greater intellectual force. They were giants, and nothing less. Many a solicitor served under me but not one surpassed Ed Pou. Usually kind, even tender-hearted, he was a very thunderbolt in the prosecution of the guilty. A noble man, the idol of his district, he soon went to Congress, and served until he died, having rounded out a longer term than any one of his associates. Had Pou retained his health, and been as fit physically in Congress as in the solicitor's office, undoubtedly he would have come close to the presidency. In shattered health, he was a mainstay of President Wilson's administration.

In my court there were no rigid rules, yet I conducted myself in as dignified a way as the gravity of the business required. I was prompt in attendance. When ruling on a point of law I was impersonal and detached. It was not I who spoke but the Court. "The Court is against you, Brother Busbee," I would quietly rule, not raising my voice. While I tempered justice with mercy, I punished criminals, and punished them severely. I was not a maudlin sentimentalist.

It may be that punishment for crime is wrong, it may be we ought to coddle the criminal and say he is not bad, he is merely sick, or has had bad surroundings. But our civilization is based on an opposite theory, and I followed the old paths.

On the bench I was careful not to indulge in much talk. I remembered Lord Bacon's warning, "a much speaking judge is an ill-tuned cymbal," and Colonel Armfield's sizing up of John Gray Bynum, who had just gone on the bench, "An honest judge and skilled in the law, but he will cluck on the nest!" When off the bench, I suffered no one to talk to me about court business, and, above all other considerations, I endeavored to administer even-handed justice.

One custom of mine worked very well. I would suggest to the solicitor that he call over the docket and get rid of uncontested cases. Then call it over again and dispose of the short cases. In this way only a few long cases would remain, and thousands of dollars, in the cost of witnesses and jurors, would be saved. Finally, I may say, I made it a rule to punish no one for doing anything which I myself was doing. In a prohibition county, where the possession of spirits was illegal, I cut out whiskey.

And yet I did not wholly succeed in keeping my judicial skirts clear. Down in Johnston County Jim Pou and Ed appeared for the plaintiff in a damage suit against the railroad. Pou, Sr., father of the boys, a solid, reflective old citizen—a Republican by the way—appeared for the road, and was assisted by Fab Busbee, the brilliant, dashing Prince Rupert of the Raleigh bar.

Now as the Pou boys had a poor case—a drunken client suing the railroad for unlawful ejection from a passenger coach—they beat the bushes! When the conductor testified that the plaintiff was drunk and creating a disturbance, he was subjected to a severe cross-examination.

"Didn't you come here on a railroad pass?" thundered Ed Pou.

"We object," interrupted Busbee.

"What's the object of the question?" the Court asked.

"Why, if Your Honor please, we are attacking the witness' character."

"Do you think having a pass would affect his character?"

"Undoubtedly, Your Honor. What is a pass but a bribe?"

"Objection overruled. Proceed, sir," said the Court, reflecting that in his pocket, at that moment, he had no less than twenty-five free passes, over every railroad and every steamboat in the state! Pou, the elder, spoke last. Addressing himself to the thin, scant evidence upon which his sons rested their case, he quietly remarked that the suit was a baseless one—mere highway robbery! He could conceive of nothing like it, "except upon the far eastern desert where, now and then, a gang of bandits would rush forward and attack a rich caravan, hoping to gain great booty thereby!"

The old gentleman won his case, but his victory did not solace my wounded feelings. I was in the fix of the train conductor—I, too, had come to court on a free pass. If the conductor was a man of bad character, so was I! In this state of mind, I ran down to Raleigh and hastened across to the Supreme Court rooms to interview my seniors—five of them. The court was in conference and the Marshal refused to admit me. "But," said I, "I must see the judges, my business is urgent."

In a few minutes I was admitted and there, at the head of the table, sat Chief Justice Merrimon. My unusual experience was soon related and provoked hearty laughter, though each of my auditors had as many passes as I had. After a short conference we agreed that passes should be abolished, and worked out a plan accordingly. Judge Brown and I were appointed a committee to present the facts to the legislature and ask them to declare passes illegal and allow each

judge three hundred dollars to cover traveling expenses. And though, when I told the legislative committee my Johnston County experiences, the laugh was on me, the law was changed, free passes were abolished and a small sum appropriated in their stead. Most cheerfully, I burned my passes and got back my good character.



## CHAPTER XVII

### ‘NOR, NOTHIN’ WORTH RELATIN’, ONLY THE CROWD’S HUNG THAT NIGGER”

OF late years the word “nigger” has come to be considered an offensive epithet, but, in the good old days, such was not always the case. When I was a child, the term might connote the greatest sympathy, the greatest comradeship, the most unselfish love. In a spasm of affection I have known Mother to catch me up in her arms and declare I was her precious, darling, baby boy, and then, rising to the very limit of love’s farthest reach, she would cuddle me and smother me with kisses and whisper in my ear, oh, how lovingly, “Mammy’s little nigger!” And I was proud to be “Mammy’s little nigger”—I knew its worth.

It must not be forgotten that before the Negro was set free he occupied the same place in society that the child does in the family or the boy in the schoolroom. He was under authority. For violating the criminal law he was not taken into court but was thrashed by the overseer. Each large plantation had its patrols, called by the slaves “patterrollers.” The duty of the patterrollers was to preserve order and prevent the slaves from wandering out of bounds without the master’s pass. In a word a slave plantation was a training school and the slaves were under the jurisdiction of the institution. The chorus of an old plantation song may illustrate the point:

Run, nigger, run, the patterroller’ll catch you,  
Run, nigger, run, tie . . . yie . . . yie!

After the slaves were liberated, their relation to society and the law was changed. The Thirteenth Amendment set the Negro free, the Fourteenth undertook to guarantee rights of citizenship, the Fifteenth to give the ballot. It resulted that thousands of cases of stealing and fighting, which formerly had been punished by the overseers, were now on the dockets. Nor was my court an exception. In the Black Belt, where there were two blacks to one white, I tried hundreds of negroes for crimes and misdemeanors. In this black district, composed of eight or ten counties, a negro, George White, was prosecuting attorney, and, as his salary depended on the number of cases he could convict, he was always on the job. His plea for the conviction of a colored man, before a white jury, was amusing.

Sweating and roaring, the big yellow fellow would rush at the jury exclaiming, "Guilty? Yes, gentlemen, of course he's guilty. Why, just watch his capers. He waits twell the moon goes down, then he puts guano sacks under his shoes to hide his tracks, and he slips up to the back of the horg pen and cuts that pig's throat, so he can't squeal, and off he runs. *Now wa'n't that just like a nigger?*"

We Democrats had divided the state in such manner that all districts, except one in the eastern Black Belt and two in the western section, were solidly for us. Whereupon the negroes of the Black Belt proceeded to send one of their number, O'Hara, to Congress. Another, White, they elected prosecuting attorney. Now, Northampton was one of the counties in White's district, and there I tried a case of unusual interest.

Two negroes, of bad reputation, had been indicted for burning General Ransom's barns. Excitement was running high, though the evidence was meager, really little more than a scintilla. The General, however, was convinced of the guilt of the parties and beside himself with anger. He had employed Day and Busbee to aid Solicitor White.

The negro prisoners had secured the services of Robert Burton, whom many considered the strongest all-around lawyer in that section. Usually quiet, almost a recluse, when aroused Burton became a mountain torrent. And on this occasion he was aroused. He drew his sword and flung away the scabbard. When he went to the jury he spared no man, not even the mighty Ransom, Brigadier General and U. S. Senator.

“In this matter, gentlemen,” he declared, with great solemnity and convincing emphasis, “these humble negroes are not on trial; you are on trial. Our civilization is on trial. And this is the issue, ‘Can you escape from under the shadow of a great name?’ Yes, Your Honor, General Ransom is a terror, but a terror to the weak.”

No longer was Burton the reflective student, he had become a flaming evangel, smiting and sparing not. Then on he went, “And when Captain Day, in his speech to you, denounced my poor clients—humble men and of a race inferior to his—when he called them rascals and firebugs, he knew he was exceeding his privilege. But, sirs, Captain Day knows whom to insult and when!” Day could sit still no longer. Rising to his full height, and with great indignation, he exclaimed, “You seem to espouse the cause of these negroes, sir!”

“I do, Captain Day, and I can always be found, sir.”

As Burton quietly tapped himself on the chest, and Day rushed forward to attack, my efficient red-headed sheriff, Stancill, sprang forward and separated the angry men.

My noon meal at the old hotel in Jackson was a melancholy one. As usual my seat was at the head of the table. On my right sat General Ransom, angry and mortified. On my left, Bob Burton, his face as hard as flint. Not a word was spoken. As soon as possible I left and went to my chambers. Presently the jury came in with a verdict of guilty.

What then was the court to do, set the verdict aside, and

release the prisoners, to be lynched before they could get out of town? In this dilemma, I called together the attorneys on both sides and suggested a solution. The prisoners should be discharged without being fined or punished, but they must leave the county and, in the interest of good order, never return. This course was adopted and was satisfactory to both sides. I will add that, as always happens with the generous legal profession, the lawyers soon made up, and Ransom and Day and Burton became friends, as they had been since childhood.

If it should be insisted that the release of these prisoners might not have ended in a lynching, I must reply that such result did actually happen, a few months later, under similar conditions. On the South Carolina border a negro was tried before me for raping a white woman. A white jury acquitted—their verdict arrived at, as I thought, because the woman bore a shady reputation and, as witness, had climaxed her tale of woe with the heart-rending statement, "And hit a-rainin', too!" In other words the jury agreed with the prisoner's lawyers that the affair was not a rape but a rapee! After the verdict the Judge turned to the Solicitor and asked,

"Have you anything further against this man?"

"No, Your Honor. No other charge."

"Let the prisoner be discharged."

At this time the courtroom was well filled—two hundred men present to act as jurors in other cases—and hardly had the prisoner reached the courtyard before the crowd put out after him. The courtroom was deserted, and the Judge on the bench chagrined and mortified. He could visualize the corpse of the acquitted negro dangling from a limb, under his very nose, and in plain view of the temple of justice. In anger, but with studied restraint, he called to the clerk and directed him to furnish a list of the jurors to the court crier. "Go to the window, Mr. Crier," was the stern order, "and

call out those jurors. Mr. Clerk, enter a fine of a hundred dollars against each and every one of them."

In a short while the news got out that fines amounting to thousands of dollars were being entered and the alarmed jurors scampered back. Meanwhile the negro had got away and gone out to his old haunts, in the neighborhood of the alleged crime, just over the border and within the state of South Carolina. But this is only half the story.

That afternoon Mike Justice, a greatly beloved lawyer, and I rode up to the top of Tryon Mountain, and spent the night at beautiful Skyuka Inn, on the very summit—far, far above the clouds. It was late summer and quite warm for the season. Early next morning, and some time before day-break, a thunderstorm burst just below our little hotel, presenting a glorious spectacle. Great billowy clouds up-side-down, everywhere one vast expanse of water, the whole creating the sensation of a storm at sea, but without the tossing and rolling.

As the rain had begun to fall before seven it ceased before eleven, and Mike and I began the descent. The sun had come out, the air was clear and crisp. Nature was as calm as if ashamed of its ungovernable rage of a few hours before. About half way down the mountain we met a vehicle, and Justice reined in our team.

"Good morning, my friend," said he, addressing the stranger.

"Good morning, sir."

"Any news?"

"Nor, nothin' worth relatin'. Only the crowd hung that nigger last night."

As soon as I reached the courthouse, I was relieved to hear that the lynching had taken place over in South Carolina, outside my jurisdiction.

As regards the Negro in court, my long experience as lawyer and judge enables me to speak with some degree of

authority, I trust. Do negroes get justice? My answer is in the affirmative. Except where racial conflict arises, I conclude that a negro of fair character, and with the respect of white neighbors, is likely to be given better treatment than if he were a white man. The principle of noblesse oblige obtains.

I recall one ugly little case, which I defended while at the bar. A smiling, open-faced, black man was charged with larceny and seemed headed for the penitentiary. But I managed to rescue him. I stirred up the affections of the jury for the old-fashioned darkey. Having called a white man—once a playmate of the prisoner—to the stand, I arranged it so that he would tell of their hunting and fishing and roaming the woods together when boys, away back in the sticks.

"Gentlemen of the jury," I said, "you know the kind of a colored man this is. When boys, how many a time have you and I gone fishing and hunting and bird-egging with just such a fellow—shining the light in the 'possum's eye up the tallest gum, eating black haws and muscadines, stealing water-melons along the way, and chasing the flying squirrel as he soared from tree-top to tree-top!"

My flying-squirrel speech did the work, and saved the day.

Down in Greene County when I was a judge, I tried a negro for stealing a set of harness. The prosecutor was the landlord, and swore he saw the prisoner steal the goods. The prisoner's lawyer, Captain Swift Galloway, a one-legged Confederate soldier, of terrible mien and a voice that roared like the bull of Bashan, offered no evidence. He contented himself with the cross-examination. He brought it out of the prosecutor that he was indebted to the defendant and had had trouble with other tenants. Also that the articles were of little value. On this state of facts the Captain put his case to the jury.

With a look of scorn and contempt for the prosecutor he turned on him and said that his client bore a good character,

"Something you, sir, do not possess." He declared there was a motive for the prosecution; the prosecutor was endeavoring to pay his debt to the prisoner by a lawsuit. "We are a superior race," he exclaimed, his deep voice rising to a high tenor. "Therefore, hear me, you proud Anglo-Saxons in that jury box. Whensoever a white man imposes on his defenseless black brother, he becomes an object beneath contempt. Such a creature, it were base flattery to call coward."

The jury promptly acquitted and the prosecutor was mulcted with a heavy bill of costs. Nor was this case exceptional; I have known dozens of like kind, with like results.

During my official life, politics were raging. The Farmers' Alliance, a powerful organization, had been strengthened by the addition of numerous Democratic spellbinders and some industrialists. One of the new recruits was a jovial manufacturer, scion of an old Whig family, Frank Mebane, founder of a dozen woolen and cotton mills at the point where the Smith and Dan Rivers unite, and a fine water-power had been developed.

"Mebane," said I once, when visiting at his venerable brick mansion, "Mebane, in the name of common sense, why did you join the Republicans?"

"Why, Judge, that's easy. Since Cleveland's second term, business is so dull you can't swap horses, either giving or taking boot!"

At the by-election in '94, the state was swept by the Republicans and Populists. This combination, having coquetted with the negroes, carried several congressional districts and a majority of the legislature and the judiciary.

Courts held me so closely that I was unable to be present at the consecration of my wife's brother, Bishop of the Western District of North Carolina. But I did manage to attend the inauguration of Brother George as President of the University. The new president was the fifth to fill this responsible position. Commenting on the event, Battle's *History*

declares that when a vacancy occurred, all eyes turned to George T. Winston. No other name was considered and he was unanimously elected.

The induction ceremonies were simple and dignified. Many universities and colleges sent representatives, and officials holding high place in state and nation gathered on the Hill. Walter Page came down from the North and made the inaugural address.

"Swear that the day of compromise is done," Page warned, addressing the new president and the vast assemblage. "Forget the past, live in the present. Overcome prejudice. Strive mightily till every boy and girl shall be given an education. Rebuild your old commonwealth, sir. Remove from her throat the clutch of hands long dead and gone."

After riding the eastern section I moved west, up amongst the lofty mountains. A land inhabited not by negroes but by whites, a new and more prosperous land than I had ever known before. Down east I had been familiar with a broad expanse of fertile fields, lazy lagoons—a land where gentle planters depended on Negro labor. Up west I witnessed new scenes—white men and women proud to labor with their hands. Cloud-capped mountains, rushing streams. The beach at Nag's Head had seemed to me the grandest of spectacles—sometimes a mighty wave dashing across the sand dunes all the way from the Atlantic to the Albemarle Sound. But just as inspiring were Pisgah and Mitchell and Clingman's lofty dome.

Two voices are there, one is of the sea,  
One, of the mountains—each a mighty voice.

Early in May I spent the night at Linville, having traveled by carriage along the Yanalosse Turnpike. Next morning at breakfast, our landlord served mountain trout, which my Solicitor had taken from the river. And then I drove to my next court at Bakersville; along the way, gorges lovely with



laurel, mountain peaks speaking to me through new vestments of green, the Toe River, my traveling companion. As I drew near the county seat the air was perfumed with the odor of the wild crab apple. My emotions were the poet's

My heart leaps up when I behold  
A rainbow in the sky.

But there were many drawbacks to a circuit judge's life. The hotels were sometimes poor; food was greasy, beds dirty. The lonesomeness was often unbearable.

"Judge Shipp," said I, one morning, to that grand old jurist, "what is one to do when he leaves the railroad at Marion and strikes out fifty miles through the wilderness, lonesome and alone, before getting back to civilization?"

"Why, get drunk!" was the solemn reply.

Indeed, so execrable was one boarding-house in a mountain county—Phillips' as I recall—that it became a synonym for the disquieting of one in body and soul.

"Six months in jail," said Judge Gilliam, sentencing a convicted wife-beater, "and but for the constitutional prohibition against cruel and unusual punishment, I'd give you six months at Phillips' boarding-house!"

Colonel R. E. Lee, of the United States army, has recorded that but for the comradeship of brother officers he would have quit the service entirely. So it was with me; fellowship with brethren of the bar held me on. Some of the counties were blessed with good hotels and there the lawyers would gather and pass the long, wintry nights with cards and in social intercourse.

In the '90's, three new Supreme Court justices were chosen, leaving two Democrats. And no court was ever more cosmopolitan. As a wag put it, there were two Republicans, two Democrats, and Walter Clark! Clark was a tough-minded judge. He accepted a nomination from Republicans, Populists, and negroes while an active Democrat. Soon he

was co-operating with a Republican Governor, devising a scheme to annul the lease of the North Carolina Railroad—marking his communications "confidential" and knowing that the lease would have to be passed upon by his own court. Clark and Daniels, thoroughly socialistic and populistic, belonged to that school which holds that the end justifies the means.

Yet, it must be admitted that the short-lived Populist party accomplished much good. They reduced interest from eight to six per cent, selected a capable state Superintendent of Public Instruction, appropriated funds to strengthen the school system, created numerous school districts, in which they directed that annual election should be held to raise funds to supplement the general appropriation. Above all, the Populists caused cold shivers to run down the spinal column of the effete, self-satisfied Democracy!

In this upheaval I was not only silent but detached. My conception of a judge's duty was that he should be non-partisan. I made no speeches, attended no political gatherings. In Robeson County Senator Ransom spoke, and though I yielded the courthouse, I remained away. I did not hear the Senator's great speech, which occupied two hours. Some of the judges pursued an opposite course. They attended political meetings, applauded the thrusts and jibes at their opponents, and sometimes rendered partisan decisions.

Be it said to the credit of Americans, however, that no partisan judge, who fawns upon the people and flatters them in their errors, has ever retained their esteem. Macaulay illustrates this idea of subserviency by a fairy tale. A lovely woman would sometimes be transformed into a loathsome reptile but after a season would come to herself again. Then, woe betide the sycophants who had flattered her deformity!

During five years on the bench I held court from the sea to the mountains and many notable lawyers came before me: Governor Aycock, the coming man of the South; Senator

Simmons, a great organizer, chairman of the Senate finance committee. Though not a man of wide reading or liberal views, he possessed a keen intellect, undoubted nerve, and a fund of common sense. Simmons had little magnetism and no gifts of oratory. Had he been blessed with the leonine look of Claude Kitchin and a popular manner, he would have rivaled Clay and Douglas as a partisan leader.

The Kitchin brothers, each a congressman, were dashing, brilliant fellows who shot athwart the political sky like meteors. In debate they were unrivaled, but were so fond of a fight that both wore themselves out and died in middle life. The distinction is Claude Kitchin’s that he voted and spoke against America’s participation in the World War, though he was then Chairman of the Ways and Means Committee of the House.

The most distinguished personage that honored my court was George Davis, a scholar, a great gentleman. The only man among us who has declined the office of Chief Justice of the Supreme Court. Mr. Davis was, at one time, Attorney-General of the Confederate States.

American state courts have been much criticised, Bryce, in his *American Commonwealth*, placing them below the federal court. I am not sure that this English scholar was acquainted with the state judges of the South. Indeed, at a luncheon in Raleigh I once asked him if he had investigated this matter. He listened with interest and agreed to make the correction in another edition of his useful work. In my opinion Southern Federal judges were not superior to state judges. In fact as a whole they were not in the class with state judges.

And yet our judges were far from perfect. Continuances and delays were a scandal. So anxious were some of the judges to get away that they merely skimmed over the docket. Others failed to open court on the appointed Monday; not until Wednesday would they arrive, to find a de-

moralized situation: jurors, litigants, and witnesses standing around, worn out and disgusted, while thousands of dollars in costs were piling up against the county.

Our judicial system needed a thorough overhauling. It lacked co-ordination. Once I attempted to cure this defect. I drew a remedial bill which was introduced in the legislature. The measure provided that the Governor should appoint a judicial secretary, whose business it would be to supervise the courts. He would get reports from the county clerks, tabulate and give them to the public. These reports would show how many weeks each judge had sat, how many cases tried, and how many continued. In a word the measure would have vitalized the courts and made them efficient, my idea being to have an audit made and to break up excessive judicial courtesy.

This effort of mine had a ridiculous ending. Soon after the bill was made public, lawyers and judges protested and begged me to desist. My boyhood chum, Judge Bill Bond, simply threw up his hands. "For God's sake, Winston, call off your dogs!" he said. One day Armistead Jones, more of a conservative than myself, met me.

"Well, Judge," he sighed, "I see you're going to put all of us lawyers in jail!"

"Come now, Armistead," I replied, "if you feel that way about it, I'll withdraw the whole thing." And I did, and delays and continuances continued to flourish!

Now these defects were due, I conclude, to two causes, a judge's desire to hasten through, and to judicial courtesy. I have known a judge continue a case to enable a brother lawyer to get off to the Springs or to collect his fees! Therefore I am moved to say that the system of electing judges by the people is wrong. Legislatures should elect judges. A political judge is a nuisance, his aim often being to placate lawyers who have elevated him. Nor is an elective judge more liberal than an appointed one. An incompetent

judge is seldom selected by a legislature, representing millions of people, whereas many an indifferent judge has been nominated in a small district primary.

I have spoken of the sea coast and the mountains, but have said little of the foothills—the Piedmont section. Yet that gently rolling land, with its equable climate, not too hot in summer, not too cold in winter, is ideal. In the Piedmont the soil is adapted to grain and grasses and fruit. Poultry and livestock flourish, the streams are clear and rapid-flowing—the whole constituting a happy combination of agriculture and industry.

When I held court in Winston-Salem I was captivated. Within sight of the town is the Pilot Mountain. Winston is the market place of a dozen prosperous counties. My home was at Mrs. Jones’ boarding-house, the ideal tavern. Baskets of soft, clearstone peaches on my desk. Fresh figs; all the vegetables known to the temperate zone; lamb fattened on the bluegrass of the foothills; turkeys and chickens, coop-cleansed: these delicacies were ours.

The surroundings of our little Inn were neat and very simple. There was not a chair in the dining room—two benches only, one on one side the table and one on the other. We all rose and fell together! To me was assigned the seat of honor at the end of a bench. By my side sat Dick Reynolds—“R. J. R.”—a tall, gawky, loutish young countryman, just in from the wilds of Patrick County, Virginia, soon to be founder of the Reynolds Tobacco Company, and one of the wealthy men of the world. Just across was Cy Watson, the very greatest trial lawyer that ever twisted a witness or befuddled a jury.

One Sunday in July, at the Moravian Church, I witnessed a celebration of the outpouring of the Holy Spirit. There was good singing, a wholesome discourse, and a worship-provoking liturgy. The services over, scores of handsome women, Roman matrons, came down the aisles. Bare-armed,

in simple frocks and attractive white aprons, they were dispensing savory coffee and buns, not made with hands alone, but with the heart. This occasion was not a sacrament, it was an old-fashioned love feast.

Little wonder I determined to quit the arduous judgeship and remove to Winston-Salem. In truth at that moment Cam Buxton and I were discussing a partnership. But again my plans were changed. Will Fuller wired, requesting me to come to Durham. He was getting ready to move to New York, as adviser to the American Tobacco Company. "Would I be willing to resign from the bench and become the head of his old firm?" After some reflection I accepted.

But my little family gave up our home with many wrenchings of the heart. In Oxford I had married. There my four children had been born, and there friends without number had cheered me and honored me beyond my deserts. But for Lucy Locket, our faithful servant, and my wife's brave-spirited sister Julia, I doubt if we would have had the courage to tear ourselves away. Lucy packed us up, took our baby in her arms and went along to share our new life. Julia set us down to her table, served a farewell lunch, soothed us with scuppernong wine, so heady that I fear it was spiked, and cheered us with prattle-talk till the train was whistling for the station.

## CHAPTER XVIII

### *GAUDIUM CERTAMINIS*

DURHAM, our new home, was not a large city but it possessed that spirit of co-operation and enterprise which brings success. Nor were its people burdened with Civil War bitterness or other retarding influences. Brother George, who was quite a hand to generalize and draw conclusions, would often dwell upon Durham's strong points. Coming over from Chapel Hill, twelve miles away, he would point out that the city was co-operative and unconventional, really a western place, sucking the very life-blood from the slow, old-fashioned towns near by. There were more smokestacks in Durham than in any city of its size in the country. The wealthy people were nearly all engaged in industry and were therefore national Republicans.

And Brother was quite correct. The air resounded with the whirr of machinery and the whistle of factories, the Bull Durham, the Erwin Cotton Mill, W. Duke Sons, and others. At that time, as must be admitted, Durham's industrial enterprises far surpassed her esthetic equipment. It was several years before we Durhamites turned our attention to the finer things of life. But when we did get down to culture, as a Chicago girl once observed, "We made her hum!"

In a few years Durham could boast of an excellent public library; a school system for both races; two universities, one for whites, the other for blacks; three hospitals, one for the colored people; and public necessities such as water, lights and streets, not excelled in the entire state.

Frequently city and county went Republican, electing strong men to the legislature and to the county offices. The

difference between the rank and file of the two political parties may be exemplified by an episode in which old man Washington Duke, the farmer turned manufacturer, and Sam Strayhorn, a tenant sticking to politics, played parts.

"Oh, yes, Uncle Wash," yelled the hilarious Sam, from his shackly wagon, loaded with a cord of wood which he was offering at \$2.75, "oh, yes, we've beat you, Uncle Wash, we've elected our man Cleveland."

"So you have, Sam," was the sad reply. "And four years from now you'll be still hauling wood to town at \$2.75 a cord."

I saw a good deal of Washington Duke, a man of massive proportions of body and spirit, and the father of James Buchanan Duke, perhaps the greatest Southern industrialist. This old father was the inspiration of the Duke family. His industry, his rugged honesty, his common sense, his unfailing success, and, above all, his childlike faith in God, these rare gifts set him apart and made him an exemplar. I once heard Buck Duke declare that whatever he had been able to accomplish in life was due to his father and the old Methodist circuit rider. And old Uncle Wash, on his part, once said there were two things he could never understand—how the world got to be round and his son Buck!

Before the Duke family moved to town, their little country home had been headquarters for the itinerant Methodist preacher, at whose arrival the neighbors would gather. This unique character would stimulate them by words and example. Though Washington Duke was a Republican in a Democratic community, the people so highly regarded him that they elected him a justice of the peace, in which capacity the Squire served for many years.

About once every week the stout old gentleman, with shaven upper lip and short-cropped gray beard on his ample chin and face, wearing a stiff hat, about such as Oliver Cromwell would have worn, and dressed in a plain, untailored,





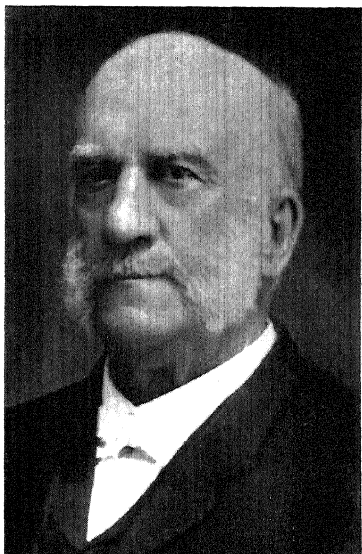
WASHINGTON DUKE



JAMES B. DUKE



H. C. BRANSON



SEAMAN KNAPP

EMPIRE BUILDERS-I



dark suit, would slowly enter my office and quietly sit and tell of his scant young days and of the folly of the old secession leaders, who had brought on the Civil War.

With great reluctance he himself had joined the Confederacy, entering the naval service. His oldest son, Brodie, a lad of eighteen, and the "Benjamin" of the old man's heart, served as a guard at the Salisbury prison, and, at the trial of the superintendent for cruelty, was one of the witnesses. Sam Phillips, Solicitor General under Grant, was Duke's ideal of a statesman. Speaking of events leading up to the war, he once said to me that the greatest speech he ever heard was made by Phillips in the Methodist Church, just a few weeks before the first gun was fired at Sumter. "Abide in the ship! Abide in the ship! was the substance of Phillips' speech," said Duke. "And what a pity we did not take his advice."

One afternoon Mr. Duke appeared in my office and said I had worked long enough, I must come and go with him to hear some sweet music. Gladly I laid aside my work and went with the aged man. Presently his carriage stopped at the home of a lovely woman, with a soft, soul-stirring voice, and we entered. Then this gifted musician sat at the piano and sang a little song, Mr. Duke's favorite. The twilight was gathering. And as the notes floated through the room the kind-hearted old millionaire wiped away fast-falling tears. The song was the old favorite, "Mrs. Lofty Keeps a Carriage." Why has Mrs. Lofty been overlooked by song collectors?

Mrs. Lofty keeps a carriage,

So do I.

She has dapple grays to draw it,

None have I.

She's no prouder with her coachman,

Than am I, with my blue-eyed, laughing baby trundling by;

I hide his face lest she should see the cherub boy,

And envy me.

Many a time I have partaken of the Duke hospitality, on one occasion listening to William Garrott Brown read a thesis on the folly of slavery and Chief Justice Taney's futile attempt, in the Dred Scott case, to compromise a great moral principle. "A Foe to Compromise," Brown called this masterpiece. At another time I spent the day at the Duke home in company with Justice Brewer, of the Supreme Court, then attending Trinity commencement and delivering the oration. In no uncertain tones the Justice declared that the masses were too ignorant to vote upon complicated matters, such as finance.

At the luncheon Brewer, who was a fine raconteur, told many amusing stories, one being a new Lincoln anecdote. Out in Illinois, Lincoln was in the habit of riding the circuit with the judges and half a dozen lawyers, all mounted on horseback. Once upon a time, as this cavalcade, headed by a new judge, approached one of those wide, muddy, dangerous-looking western rivers—fully two hundred yards wide but not twelve inches deep—Lincoln winked at his brother lawyers and said, "Well, Judge, here's the river, and there are two ways of fording it. You may either sit bolt upright, in your clothes, and take the water as it comes, or else you can strip and lash your clothes behind your back."

"Then, of course I shall strip," responded the Judge, who was soon in a state of nature, with a huge pack of clothes lashed above his shoulders.

In they plunged, the Judge naked as he came into the world, Lincoln and the lawyers, all carefully and slowly feeling their way through water so shallow that it scarcely covered the fetlocks of the horses!

Though I was intimate with the wealthy people of Durham, I was in no sense a pet. So much of their money as I got I worked for. Moreover, as they were regular clients, my fees were reasonable. Instead of putting the few thousand dollars which I took with me to Durham in real-estate, had I

invested in the stock of W. Duke Sons & Company and awaited developments, I would today be counting my wealth in millions instead of thousands. But I did not care to be a millionaire. My ambition ran in another channel. In truth I had many ambitions—too many, I fear.

First of all, I would be a great lawyer and a good father, rearing a family worthy of their name. Moreover, I envied the author, whose pen is mightier than the sword. I also dreamed of a hospitable home, a kind of French salon, where interesting people would gather. Needless to add that, like all true Southerners, I expected some day to become Governor, United States Senator, and, probably, President!

How foolish was all this! Why could I not understand that I was working at cross-purposes, each objective destroying the other. Surely, no one can be both orator and writer—they are built on different lasts. Nor can any man be an esthete and a politician at the same time. He cannot run a salon, entertain the intellectuals and defend trusts and corporations, while playing a game of politics. These pathways are divergent. And yet the game was a diverting one, there was not a dull moment. Soon, I was President of the Chamber of Commerce, assisted in organizing the public library, co-operated in building tobacco warehouses, took the stump for good roads, became President of the State Historical Society, served on Democratic committees, all the while educating four children and working ten hours a day at the law.

"How on earth do you find time to do so much?" asked my friend, that noble young judge, Howard Foushee, who died ere his prime.

"*Gaudium certaminis*," I replied. "The joy of the sport!"

Though Durham was a live town my first years were lean ones. Several failures had just occurred. The Cleveland panic was on, and so was the fight between the Silverites and the Goldbugs. Business was at a standstill, farm products

almost valueless. On the auction block, I saw first-class mules selling at five dollars a head and well-fed, twenty-pound turkeys going at twenty-five cents apiece. Tobacco scarcely paid the selling charges. The farmers were not only poor but mad. When Cleveland championed the gold standard and vetoed a bill to coin the surplus silver in the treasury, the Populist newspapers and Josephus Daniels' *Old Reliable* raged and thundered.

A citizen of Person County, usually law-abiding, became so excited that he set about organizing a squad to go to Washington and assassinate the tyrannical President! Law business was in the same fix. In 1896, during the first Bryan campaign, there really was no law business. Money had disappeared. At this time I, too, being poor and mad, was a Bryanite. Side by side with Josephus Daniels I stood, cheering the Peerless Leader, and anxious to co-operate with any organization to overthrow McKinley and Mark Hanna and the Goldbugs.

When Bryan visited Durham, in his campaign for President, he was my guest, arriving at three in the afternoon, and asking for an immediate hot bath, as he was booked to speak in a few minutes. Now, at this hour our kitchen fire was out and the hot-water boiler, attached to the stove in the old-fashioned way, was as cold as a wedge! What were we to do? Our faithful neighbors came to our aid. With a kettle of hot water swinging between them, Captain Ed Parish and Caleb Green staggered across the street—the Captain in tall hat and long coat and Caleb the last word in dignity! And so Bryan got his hot bath!

Presently, the popular orator and idol came down into our library—as thousands, standing in the yard, cheered and applauded—and took my little curly-headed boy on his knee and spoke words of praise. But even that early in Bryan's career I thought I discovered a weakness; he could not co-operate and do team work. Coming down on the train I

noted this defect. Though many leaders crowded around him, to make suggestions and organize the campaign, he turned them down and took aside one man, of no consequence, and talked with him exclusively. He was determined to convince this doubting Thomas that 16 to 1 was the only remedy for existing ills! Bryan was defeated, of course, and McKinley elected. Forthwith the country ceased its hysteria, settled down to business, and my larger experience as a lawyer began.

My junior partner, Frank Fuller, was not only a wise counselor and a man of ripe judgment but a general favorite. When John Mesley, who opposed Fuller in politics and trained in a different school, passed away and his will was opened, it was discovered that he had appointed F. L. Fuller executor to settle his estate. Frank looked after the corporate end of our business. He was the confidential advisor of the Dukes and did most of the office work. It fell to my lot to try jury cases, to mix with the people and to argue appeals in the highest courts of state and nation. Frequently, my duties took me before the Supreme Court at Washington and the Circuit Court of Appeals at Richmond. On one occasion I engaged in a legal contest with Marshall of the firm of Guggenheimer, Untermeyer & Marshall, and on another, with De Lancey Nicoll. Our practice in the Supreme Court at Raleigh was very extensive, occupying me a week in the fall and again in the spring.

Nor was local business less restricted. In truth the new firm was so fully occupied that the public suspected us of being wealthy and charging unreasonable or, as the country people said, ongodly fees! But both surmises were erroneous—we were neither rich nor high chargers. And yet a story went the rounds that seemed to imply that we were sizing everyone's pile.

A merchant named Max, a fun-loving fellow, a German Jew, having had a fire employed our firm to recover the

losses, which he placed at thirteen thousand dollars. Thereupon the insurance company proceeded to choose one arbitrator, as the policy directed, and we, another. After much discussion these two agreed on the third. Now, in selecting this third arbitrator, our side had beaten the insurance company to it, and he and our arbitrator soon agreed and awarded Max the full amount claimed, to wit, thirteen thousand dollars. This sum they paid me in ten-dollar bills—thirteen hundred of them—making, as may be imagined, a goodly pile of money. So far, so good. But just here the story begins.

“Well, Max, I’ve got your money, come up!” Judge Winston phoned.” So ran the story. In a jiffy Max showed up.

“Yes, Mr. Max, here it is, thirteen thousand dollars, and good money too. And there’s your half and here’s mine,” dividing into two equal parts the enormous pile of bills and shoving one-half to the astonished Hebrew.

“Why, that’s all right, isn’t it, Mr. Max? You get one-half and I get the other.”

“Yes, Joodge, it’s all reight—but I vas joost thinking, Joodge, whose fire vas dot, yours or mine?”

Now, really, it seems a pity to mar so good a yarn, but truth requires me to say that the fee was not \$6,500 at all; it was only \$1,000, divided between our firm and Manning & Foushee, lawyers of the highest repute.

At first this ridiculous story annoyed me; I feared it would injure my business. But I was greatly mistaken. The dear people love a high-priced lawyer, and fight shy of the fellow with a poor mouth—on the principle, no doubt, of greasing the fat sow!

A repercussion of this Max story was heard as far away as the Pacific Coast, at a banquet of the American Bar. It seems that a member of the bar had drunk to the toast, “Lawyers and their fees—the bigger the better,” and had commended the well-known remark of Choate, the Gentile,



to Untermeyer, the Jew, "Almost thou persuadest me to become a Christian," when Judge Brown of our Supreme Court came on to reply. "That Untermeyer joke," said Brown, "is good, in fact is very good, but we have one down in North Carolina that will match it." The Judge then told the Max yarn to the merriment of his brethren.

When I began to practice in Durham the most talked-about and "scandalized" man was Reuben Barbee, son of a Baptist preacher, a jovial, queer sort of a chap, usually harmless, and a kind husband, but when loaded-up, a shock and a whirlwind. On one occasion Reuben shot into a crowded railroad coach, for the devilment of the thing, and roared with laughter when the passengers started up. Several times he cleaned up Scoggins' bar with his revolver. He greatly delighted to fire between the legs of innocent pedestrians and then Ha! Ha!, like a crazy man.

Twice our firm defended Reuben for murder, getting him acquitted and charging a fee of fifteen hundred dollars for appearing before the mayor—a big fee, no doubt, but worth every cent of it since the community frowned down on Reuben and any lawyer who defended him. No doubt this sizable fee was the occasion of an amusing incident.

My oldest son was soon to marry, and the bride-to-be was expected to visit us. Now, as she was a city girl and had been educated in Paris, I concluded that I would surprise her with an old-fashioned supper of 'possum and taters. Pretty soon I ran across a fine specimen of the genus lemur, which Reuben's cousin Marion was offering for sale and kindly consented to deliver at my home. That day at lunch my wife met me at the door and was wearing a smile which would not come off.

"Well," she said, with a merry twinkle, "that was some fellow you sent down with that old 'possum."

"How so?" I rejoined.

"Why, he came in all right and set the 'possum on the

floor. But I said, 'No, sir, take it away, I don't want your old greasy 'possum,' and he said, 'But, ma'am, your husband has already bought the 'possum and paid me for it.' "

"Bought that fat thing? And what did he pay you for it, sir?"

"Seventy-five cents, ma'am."

"Seventy-five cents for that ball of fat! And what's your name, sir?"

"Marion Barbee, ma'am."

"Barbee? Barbee? Are you a kin to Reuben Barbee?"

"Oh, yes, ma'am, Reuben's my cousin."

"Well, if that's so, you ought to give Mr. Winston that 'possum for all he's done for your cousin Reuben."

"Why, ma'am, they do say Reuben put your husband in this fine house!"

All things considered, the most stupendous lawsuit I ever defended was that of Gattis against Kilgo, Ben Duke, and Trinity College. Mr. Gattis, a Methodist, was demanding damages from his brother Methodists on the assumption that they, being wealthy bondholders, had ruthlessly slandered and defamed him, a poor, decrepit preacher of the gospel. These were the words upon which the suit was founded, "Behind a pious smile and a solemn switch of the coat-tail many a man has a spirit unworthy of him"—words which suggest the famous case of Bardell versus Pickwick. "Chops and tomato sauce and don't forget the warming pan," wrote Pickwick to his landlady, the widow Bardell, innocently suggesting what he would like to have for dinner.

It seems incredible that such innocuous language, spoken by Kilgo of Gattis—a hostile witness—when defending himself against a charge of malfeasance in office, should have engaged the attention of any court for five minutes. Yet Gattis and Kilgo occupied our judges for more than five years. Twice, damages of twenty-five thousand dollars were awarded. Four times the Supreme Court handed down opinions before the

case was finally dismissed by Judge Moore—an exhibition of moral fiber scarcely excelled in judicial annals, not even by Fessenden and the six other Republican senators who sacrificed themselves when they voted President Johnson not guilty of high crimes and misdemeanors.

After years of harrowing litigation, dividing hundreds of thousands of Methodists into hostile camps, when the Judge, speaking from the bench, said, "Gentlemen, you have failed to show malice. This case is dismissed at your cost," the scene that followed was such as few courtrooms had ever witnessed. Bishops, clergymen, laymen groaned in an excess of happiness.

"Amen! Bless God!" came with unction from the crowded courtroom. Aged ministers, who, on their knees, had prayed for this day, when the split in their church would be healed and the cause of religion advanced, rejoiced with a joy unspeakable. Duke, in an excess of emotion, rushed over and embraced me, declaring the speech I had just delivered exceeded anything ever uttered by his New York attorneys, by Elihu Root, or Joseph Choate, or John Johnson!

The case of Gattis against Kilgo was more than a lawsuit, it was a political episode: an effort to use the courts to destroy new and progressive Trinity College and Kilgo, its president; to utilize the ill-will of tobacco farmers to blast the reputation of the Duke family and eliminate them from public life. Trinity College had become the stronghold of liberalism in the South and the lion in the pathway of Bryanism. It must be restored to the old order, to Clark, to General Carr and to Josephus Daniels. It must be wrenched from the hands of the Dukes and Kilgo and Few and Bassett and Mims and Flowers.

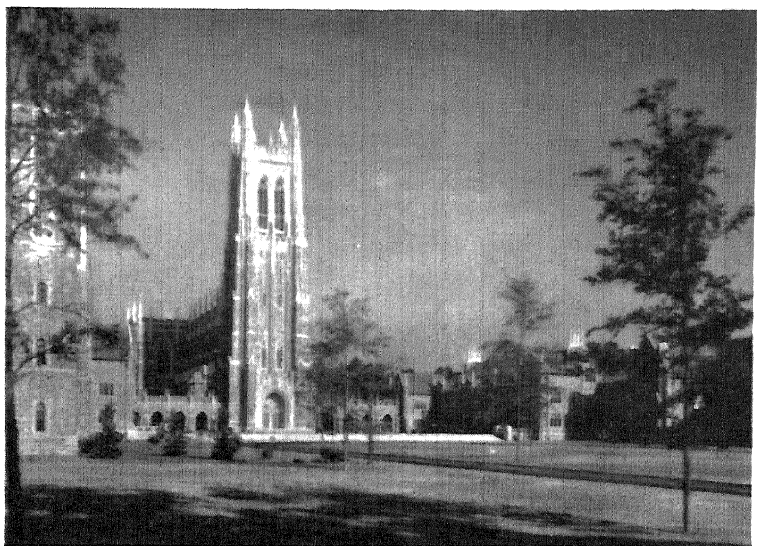
At this time, W. K. Boyd was a student at Trinity and keenly alive to the uphill fight it was waging. It seemed to Boyd and the students that the suit was not a personal affair but an effort to check the growth of a new institution

which threatened the prestige of the old order in education. Or, as Boyd has since said to me, in a spirit of fun, "Trinity was foreordained by the Lord to redeem the state, but the Devil had broken loose!"

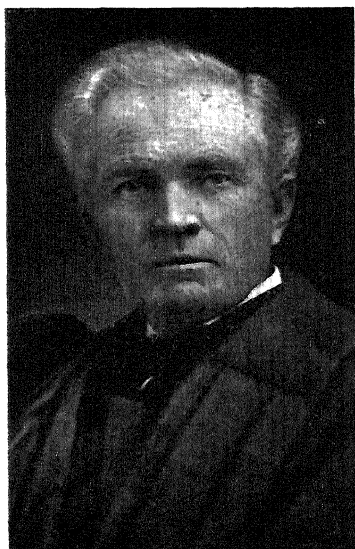
And never was there a lawsuit fought with greater danger. The plaintiff was poor, the defendants rich, the masses were bitter. The Dukes and the tobacco trust were unpopular. The state administration was hostile. Ninety per cent of the judges would have forfeited their robes if necessary to win the case and preserve the Democratic party. Nor were the sinews of war lacking. Mr. Gattis had money aplenty and stalwart backers and the assurance of an easy victory. General Carr was putting up the funds, Chief Justice Clark was furnishing the law. Honorable Josephus Daniels and the Old Reliable were thundering "from Currituck, where old ocean combs her disheveled locks, to Cherokee, where the mountains cast their shadows into Tennessee," sowing the seeds of trust-hatred, denouncing the tobacco habit as poisonous, characterizing the cigarette as a "coffin tack," filling column after column with attacks upon the Dukes and charges of Kilgo's sycophancy to them, and ridiculing the attorneys for the defense.

The case was finally won because of the heroism of two men, Henry G. Connor and George H. Brown. These judges saved the state the disgrace of lending itself to a piece of silly, vindictive litigation. When the Judge dismissed the suit and the plaintiff appealed, it was heard in the Supreme Court by only four justices. Clark, being a party, did not sit. A tie vote—two-two—therefore affirmed the judgment of the lower court and dismissed the action forever.

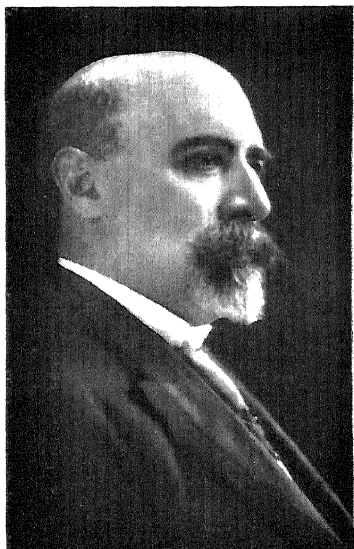
Had this bitter litigation gone against the Dukes, I am sure from numerous interviews I had with them, they would not have given another penny to education or charity in the Carolinas. There would have been no Duke University, no gifts of millions of dollars to hospitals, no pensions for anti-



DUKE UNIVERSITY



HENRY G. CONNOR



GEORGE H. BROWN

AND THE JUDGES WHO SAVED TRINITY COLLEGE, FROM  
WHICH IT DEVELOPED



quoted ministers, no Doris Duke Foundation, no arrangement to assist the poor and needy of the two states.<sup>1</sup>

An interesting sidelight on this litigation may be seen from a note which the vigilant Chief Justice sent Brother George. After vainly importuning him to join in this latest attack on Trinity, because the Duke money was about to destroy the Democratic party and the University, Clark wrote,

Geo. T. Winston, Sir: Brutus, thou sleep'st! Awake!  
W. C.

This cryptic and characteristic note was inspired by a witticism of Winston's, when Trinity had joined with the other denominations and attacked the University, dubbing it a godless institution, and at the same time claimed superior virtues. Trinity, indeed, had inscribed, on its expanding archway these words, "Eruditio et Religio." Now, referring to this motto, Winston had ridiculed the idea that all the virtues resided at Trinity and called attention to the fact that the foundation of Trinity was the tobacco industry. "In truth," he laughed, "Trinity College has omitted the chief word from its motto, which should read, 'Eruditio et Religio et Tobacco!'"

Needless to add, President Winston did not accept Judge Clark's invitation to attack Trinity.

Nor was this the only time politics were injected into our courts. Nor the only time Connor threw himself into the breach and risked his political life to preserve fair dealing and justice. In 1898, when the state went Democratic again, four holdover Supreme Court Republican judges remained on the bench, a menace to Democratic legislation. It was, therefore, decided by the leaders, co-operating with the Old Reliable, to ditch the Republican judges, including Faircloth, Chief Justice, and fill his place with Walter Clark. In this unsavory

<sup>1</sup> Sketches of Brown and Connor were prepared by me for the Supreme Court and may be found in many libraries.

business, Connor, a member of the House, refused to take part. Realizing the animus of the proceedings, he organized Conservatives and Republicans and defeated the partisan measure. Full well Connor knew that the judges were not criminals. They had ordered the Treasurer to pay the salaries of certain officers, adjudged by the court to be legally serving their terms. This, Connor felt was not a crime, although the legislature had endeavored to forbid such payment.

In this heated contest, I also took some part. I was served with a subpoena to attend as a witness for the impeached judges. In connection with two other attorneys, I would testify, as an expert, that the judges had acted within their rights and were not guilty of any crime. The end of the impeachment trial was that the judges were acquitted.

An unexpected result ensued. Connor was promoted to the Supreme Court, and shortly thereafter President Taft appointed him a United States judge. Long and Cooke and Osborn, attorneys for the judges, were also soon honored by the people. Surely, the end does not always justify the means—at least, not in the good old Tar Heel State! In truth, a broader vision was developing—a larger social consciousness. Southern leadership was about to pass to North Carolina—primacy in education, industry and liberality. Aycock was governor. The Southern Educational Board, directed by Page, Alderman, McIver, Claxton, Joyner, and Fries, needed but a free field to rebuild the old Commonwealth. That master agriculturist, Seaman A. Knapp, in co-operation with industrialists such as Tompkins and Duke and Cone and Gill Wylie, were useful adjuncts.



## CHAPTER XIX

### BEN AND LUCY

IN the South only a few of the old families were willing to defy public sentiment, endure the slurs and cold shoulder of their neighbors and remain in the Republican party. Certainly, my father's people did not belong in that tough-minded class. Though three of my brothers tried the experiment, they soon beat a retreat. In Southern phrase, they could not stand the hot grease and got out of the kitchen! Shortly after Brother Pat became a Republican, as we have seen, he surrendered to the inevitable and moved to the Pacific Slope where he could think and act as he pleased. There he soon tired of law and office-holding, and published *Winston's Weekly*, filled with his philosophy of life and memories of the Old South and childhood days.

Brother George was always an independent. In a quiet way he would espouse whatever cause appealed to him and contribute goodly sums from his meager means to advance it. Brother Frank continued a liberal Republican only a few years, in the late '80's coming back into the Democratic fold and being gladly received by his old friends. They killed the fatted calf, placed a ring on Brother's finger and put him in charge of the Red Shirt campaign to eliminate the ignorant Negro from politics. Very soon, the Democrats made him Lieutenant-Governor, U. S. Attorney, and Judge of the Superior Court. When Theodore Roosevelt, President of the United States, came through on a rollicking expedition, Brother, then Acting Governor, received the party and royally escorted them from city to city.

In the political upheaval of which I have been speaking,

I played a part. At a barbecue out in Brassfield, I addressed an immense crowd and declared we were going to carry the election in spite of hell and high water! That fall a constitutional amendment was adopted and, for ten years, ignorant negroes were disfranchised. At the end of that period a gentleman's agreement was made that the whites would furnish the negroes better schools, asylums and orphanages provided they kept away from the polls. This agreement, for forty years, was a success, after a fashion. Whereas when the negroes voted, disorder prevailed, when they were disfranchised, peace ensued. Yet the price of peace had come high. It cost bloodshed and rioting—the usual price of white supremacy, whether in Ethiopia or Egypt, in South Africa or in the Southern states.

Said Colonel Alfred Waddell, often a congressman, when addressing the Durham people, in the Red Shirt campaign, "How many negroes we killed, in my county, God only knows. But this we do know: we choked the Cape Fear with corpses"—an observation not unlike that of Tacitus, when depicting the march of the conquering Romans, "They make solitude which they call peace." Yet even after the negroes were disfranchised portions of the state continued Republican, and so confident were the whites of those sections of success that they organized the Lily White Party and challenged the Democrats to meet them on some other issue than that of race.

In my new home, however, these matters did not much concern me. I was not yet social-minded. My objective was the education of my children and the accumulation of a fortune. Other ambitions could wait. Law became my absorption, so deeply engrossing me that I would laugh and declare I did not even know the names of my own children!

Now in Oxford my opponents had been elderly lawyers, living in the past; in Durham they were young men, with eyes fixed on the future. And of all the attorneys the most up-

and-coming, as I thought, was a young fellow, alert, red-headed, and dangerous. His name was Victor Bryant. It was said of Thucydides, I believe, that the triumphs of his rival, Miltiades, kept him awake of nights. Certainly that was my relation to Bryant. I dreaded the young lawyer and shuddered as he swept jury after jury against my wealthy clients.

Therefore when my partner, Fuller, was getting ready to move to New York and become counsel of the Tobacco Company, and our firm was dissolved, I turned my eyes toward Bryant. If I could not whip him I could combine with him—competition being impossible where combination is possible. And now a new phase of life opened up—one less disquieting, less nerve-racking. Though my hours of labor were as long, I was more sheltered and less on the firing line. I ceased to be the spearhead. That post of danger was assumed by Bryant.

As during nine years Fuller and I had practiced in thorough accord, so now the new firm functioned smoothly and well. But with this difference, the old firm had enjoyed an extensive corporate business, the new did a more general practice. Bryant, a powerful speaker, a masterful summer-up, was in demand in hotly fought litigation. Indulging in no jokes, always in cry of the fox, plain, manly and argumentative, he won verdicts which seemed impossible. Nor was my practice of less dignity than before. The new firm represented the state in contested matters, sometimes appeared for insurance and casualty companies and often recovered heavy damages in personal injury suits. Though I was now attorney for the plain people, and not for the rich, I was no more ardent in my allegiance to progressive principles than formerly.

Perhaps the greatest benefit to me from associating with Bryant was observing a principle upon which he acted. "Trust the people," he would insist. "Turn on the light.

Suppress nothing. Cut out technicalities." And I stood in need of that caution. During the years I had represented corporations, I naturally lost a number of cases and became gun-shy of juries. The case of Bones against the Machine Company will illustrate my meaning. The plaintiff sued for personal injuries and claimed he had been hurt while following the Company's rule—putting on a small belt by reaching through a larger, revolving belt—a rule which the plaintiff admitted he knew and understood.

Now no such rule existed, nor could the belt have been put on in that way. This we could have shown by a number of witnesses. But I feared the Twelve and insisted that we accept the plaintiff's story and rest our case on the technical ground that the Company was not liable because it had the right to make its own rules and the plaintiff had assumed the risk. The trial judge overruled us, and the jury gave heavy damages. The judgment was affirmed on appeal. The Supreme Court held that our Company could not shield itself behind an unreasonable and dangerous rule. Now if Bryant had been managing this case he would undoubtedly have turned on the light, overborne the plaintiff's testimony and carried the jury with him.

Someone has spoken a kind word for the imperfect, since the best of life is in the striving. And though Durham was essentially imperfect she was beginning to strive, and was on the long pull for higher things. Each Friday evening, the Canterbury Club would meet just across the street from us. My wife and I greatly enjoyed these occasions. The Club was in no respect a social affair, but was stimulating and educative. Its president was a college professor, sometimes Few, now President of Duke University; at other times Toms, later President of Liggett & Myers Tobacco Company; frequently Mims, now Professor at Vanderbilt University.

Freedom from anxiety likewise enabled me to enjoy social life. Huckleberry Springs and the McCown Plantation were

famous as barbecue grounds. Frequently I enjoyed George Lougee's roast pig and Brunswick stew. Many of the Durhamites had cabins on mountain tops near by—on Occoneechee and Scarlet and Arch. One cabin was owned by a golden-hearted gentleman, James Southgate, once nominated for Vice-President on the prohibition ticket.

The kindest of God's creatures, Jim was beloved by every drunkard in a hundred miles. They knew that though he hated drink he loved the drunkard. Oftentimes Brother George, and other guests, would go with me on a visit to Southgate's cabin, eight miles out, and on the very top of Arch Mountain. There, on a starry night, we would recline on the roof-garden, in the silence of the forest, amidst the stars. We could almost reach out and touch Orion and the Pleiades!

Jim, a two-hundred-and-fifty-pounder and every ounce of him pure gold, and I had sat, side by side, in the classroom at Chapel Hill, when we were boys together. In truth we were two-of-a-kind. Therefore, no sooner had I landed in Durham and bought Fuller's old-fashioned, rambling dwelling, placing a five-thousand-dollar mortgage on it for the balance due, than Jim came around to see how he could help me.

"Marse Robert," he said in that rich, mellow voice that had charmed thousands, "Marse Robert, you need ten thousand dollars additional life insurance."

"Of course I do, Jim, but where on earth is the money coming from?"

"Why, just give me your slow note."

"Well, Jim, that sounds more like it, but payable when?"

"Oh, make it payable when the roses are in bloom!"

And that was the Durham way. The Durham people were a broad, co-operative folk. They were all for Durham and nothing for self.

Soon after I moved to Durham, Stanbury, teller in one of the banks, defaulted for a large sum, and his neighbors made

all of it good except fifteen thousand dollars. This balance lagged till a friend of the teller bethought himself of George Watts, a real humanitarian, at the moment traveling in the Holy Land. A cablegram to him brought a quick response, addressed to his bank in Durham. "Charge my account with fifteen thousand dollars for the use of Ed Stanbury."

I had been a partner of Bryant's but a few years when he and my wife conspired to send me to England to witness the graduation of our oldest son, a Rhodes scholar at Oxford. At this time the Oxford pageant was on in Christ Church meadow, with hundreds of cultured actors, many of them professors, and their wives and daughters, and hosts of visitors. As Mark Twain entered the stadium and occupied the royal box, fifty thousand Englishmen lost their dignity, rising and cheering the queerest-looking great man they ever beheld, with long, drooping mustache, wide, cowboy hat, and a stride that mocked the proprieties. Mark and Osler and Ballington Booth had just been honored by the University and were now learned doctors of law.

In London I stood, reluctantly uncovered, in the midst of a great throng, and beheld Edward VII come in state down the Queen's Highway to St. James's Palace—the King bedecked with badges and insignia and seated in a funny-looking, bedizened, rickety carriage which his ancestor of two centuries before must have used! By the King's trap rode George, Prince of Wales, and a great number of attendants—all this pomp and parade suggestive of the Middle Ages and provoking a derisive smile on my American countenance. But should it have had this effect?

Those sturdy, beef-eating Britishers were not humbling themselves before a man, they were acclaiming an ideal. An English king is the English nation—the embodiment of a stable government. Would that we Americans might see the point and cease to belittle our Chief Executive and kick him

around like a hound dog the moment his term is up and he has no more favors to bestow!

In London I witnessed the first debate to emasculate the House of Lords. I also attended the courts and observed an English judge try a suit. It was an action for divorce and damages against the seducer. These two causes were joined in one, a thing unusual in America. I likewise noted that the London courts are more efficient and expeditious than ours, due to the fact that in England they have a presiding judge to supervise the entire judicial system.

Soon after returning to America I was called to Raleigh to defend a contempt case of the greatest consequence. Josephus Daniels had been arrested by order of Judge Purnell and was a prisoner. Daniels' paper had published an alleged libel on the Judge, charging that he was a corporation tool and unfit to sit on the bench. The Judge's action, indeed, was tyrannical—it certainly also tended to disrupt the Republican party.

On a flimsy pretext, Purnell had thrown the state's valuable railroad into bankruptcy, at the instance of a dummy acting under cover for the Southern Railroad. This proceeding would have forced a sale and enabled the Southern to purchase the road and squeeze out the state's interest. Daniels, in assuming the role of defender of the people, had used the harshest and bitterest words. Contempt proceedings followed. Daniels was apprehended and wired me to come to Raleigh.

It is impossible to depict the scene when the matter was heard. In my entire experience I never witnessed greater popular excitement than when it became known that Josephus Daniels was sacrificing himself for the state. So wrought up was the Administration that its Governor, Aycock, was ready with a writ of habeas corpus, signed by Chief Justice Clark, to rescue the editor from the U. S. Marshal, even at the risk of civil war, in the event that the Judge

undertook to imprison him. And imprisonment was Purnell's order.

"Let the prisoner pay a fine of a thousand dollars and be imprisoned in the common jail for sixty days," so read the judgment of the Court. But, on appeal, Circuit Judge Pritchard reversed Purnell and released Daniels.

Now, in these proceedings my brethren of the bar, for reasons best known to themselves, had selected me to do the speaking—our time having been cut to only one hour. And when Daniels won out and came forth a victor, the Old Reliable crew long and loud! In its opinion my speech had never been excelled, not by Matt Ransom, when defending Shotwell and Turner, not by Chatham in defending the American colonies!

Thus was I appearing for all comers, whether a Duke or a Daniels, a trust or a trust-buster!

Housekeeping in Durham did not run as smoothly as in Oxford. Servants were scarcer. The factories absorbed the colored workers, butlers, cooks, and maids. But we still had Lucy to fall back on, and Ben, the husband she had lately married, a most unusual colored chap, born in the wilds of Granville, yet able to read and write and smart enough to fool the smartest white man in creation. When sober, Ben was a treasure, expert as cook, butler, manservant, nurse, or companion—a gentleman through and through. But when drinking, a sad spectacle, silly, lascivious, and a general nuisance.

Occasionally, my old college mate, Ed Alderman, would come over from Chapel Hill and visit us and address the Tourist Club, to which my wife belonged. On one of his visits, when breakfast was ready and Ben and Lucy's fried chicken and Sally Lunn were hot and awaiting us, we sent our dainty little five-year-old daughter upstairs as an escort to our distinguished guest. Timidly she knocked and Ed came out and greeted her in his hearty way. Soon the ac-



complished orator and the little child were pals and on a common level. Now, it so happened that electric lights had just been installed and the little hostess, wishing to be polite, took up the conversation at that point.

"Mr. Alderman," she ventured, "what do you think of the electric light system?"

At this surprising observation, our guest shook with laughter, and not for many a day was the episode forgotten, Alderman bursting with jolly, contagious laughter, and catching the little lady in his arms and calling out, "Now what do you think of the electric light system?"

Lucy's love for Ben was no less than that of Heloise for Abelard. Neither life nor death, nor things present, nor things to come, nor storm nor stress, nor fire nor pestilence, nor any other creature could separate Lucy from Ben. Sometimes the riotous mixed-blooded fellow—nine parts white—would revert to nature and leave town, and get into the most disgraceful fracas over some yellow woman, flourishing his razor, and cutting and slashing. But this made little difference with Lucy—she stuck by her Bennie.

One day, after Ben had disappeared and been gone about a month, Lucy came in, looking very disconsolate. "Mr. Winston," she said, "Bennie's in more trouble." And she handed me a telegram from him. He had been convicted for carving up a negro man, whose half-white wife he had taken up with. "I must raise two hundred and twenty-five dollars at once or go to jail for a year," the telegram read.

"Why, Lucy," said I, "this is your chance. Divorce Ben."

"Lordee! Mr. Winston, you knows I can't give up Bennie."

"Well, he seems to have given you up."

"Nor, sir, Mr. Winston, Bennie ain't gin me up. He's just drinkin', that's all."

Of course I let Lucy have the money, and, month by month, she toiled and saved till she had repaid me.

Sometimes Ben would operate a moonshine still, as an adjunct to his blind tiger, acting as agent for a white man, a devil-may-care fellow. At length his business became so notorious that the police made a raid and captured the outfit while Ben was engaged in stirring the mash. He was taken into court, before Judge Oliver Allen, a fatherly, tender-hearted man, and convicted.

"Now, Ben," said the Judge, "tell me who furnished the money to run that still and I'll let you off."

"Lor', Mr. Judge," said Ben, "you knows I can't do that."

"And why not, Ben?"

"Tell on my partner! No, sir, boss. If I was to do that you wouldn't have no more respect for old Ben."

That situation was so unusual that the Judge was moved. Said he, "Ben, you are making a great mistake. Think it over tonight and come back in the morning at ten o'clock and give the court this information and you shall not be punished."

It so happened that on that particular evening, the Judge and lawyers were at my home and we had a merry time of it. All of us devoted to prohibition and equally devoted to a stiff highball! Never were Lucy's beaten biscuit and broiled quail and layer cake and Baltimore cream quite as fine. Nor did Ben, my quondam butler, ever show off to better advantage. Dressed quite as the occasion demanded, he was quiet, smooth, efficient, and ubiquitous. Presently it came time for the Four Roses and soda to be served, and Ben was keen to fill the Judge's glass to the very brim.

"Hold!" exclaimed His Honor, looking up and recognizing Ben for the first time. "Hello, Ben!" he softly smiled. Ben grinned but did not open his mouth.

Next morning, when court convened, Bennie was on hand, as sober as a judge and making himself useful, waiting on the Sheriff, filling the Judge's pitcher with ice water, and assisting the clerk with his heavy books.

"Mr. Solicitor," said His Honor, from the bench, "I'm

going to give Ben Hester another chance. He's a good negro and has the respect of many excellent people. Mr. Clerk, let the defendant Hester pay the costs and be discharged."

Finally Ben came to the end of his row, his violations of law being so flagrant that he was sent to the roads for two years. And shortly after his sentence began, my wife and I were riding leisurely along the highway which the convicts were building, and, in the distance, could discover the unfortunate prisoners sweating and swinging their picks and shovels to a weird, monotonous chant. Presently we came nearer and were just off from a shaded dwelling, where a little white child seemed to be playing on the knees of his colored companion, with a banjo in his hands. The man was Ben, and the child, the road supervisor's.

"Hello, Ben," I called out. "I thought you were at work."

"Lor', Mr. Winston," said Ben, overjoyed at seeing us, and running down to the fence, "you didn't expect ole Ben to be out yonder with them sorry niggers?"

During the time Ben was on the roads, and Lucy unhampered, our domestic service was a joy. Bearing this fact in mind I was soon confronted with a delicate problem. One evening Lucy, looking forlorn and friendless, sidled into my study and sheepishly said she wished me to get Ben out of prison! I tried to fool the girl. I told her Ben's conduct was so bad no Governor would dare pardon him. But this did not satisfy her, she persisted and said I could do anything. Now for the last six months our culinary department had been running as smoothly as oiled machinery. But if Ben got out and began roaming around there was no telling what might happen. Nevertheless, I could not refuse Lucy's request, and applied to Governor Russell for a pardon.

"Good morning, Governor," I said to that much-despised Republican Executive. "I've come to ask a favor of you."

"And what is it?" he growled in his deep, rough voice.

"A pardon, I said, for a colored boy, and here's the application and the petitions signed by —"

"Oh, Hell, Winston," said the explosive Executive. "Damn the petitions! Do you say your man should be pardoned?"

"Well, yes," I managed to reply.

"All right then, you shall have it." And without more ado the Governor rang for his secretary and directed him to fill out a pardon for, "What's the damn nigger's name, Judge?"

"Ben Hester," I replied.

"For Ben Hester," concluded His Excellency.

I must add a word concerning this high-strung, impulsive Governor, a man of great ability and of commanding presence, descended from a wealthy and aristocratic family down on the Cape Fear. During Reconstruction days he became a red-hot, negro Republican leader, for practically the same reason as Colonel Hargrove up in Granville. It seems that during the Civil War, and while Russell was a Captain, an inferior officer was promoted over him. This insult he never forgave, and, as the Democracy and the Confederacy were, in his opinion, one and the same, he took revenge on the latter by attacking the former.

In a short time after Ben was pardoned, he was back with us again and as impossible as ever. But in a few months he went North, and persuaded Lucy to accompany him. In New York this inseparable couple served a wealthy family with satisfaction, and on several trips down the coast Ben acted as assistant chef on the Vanderbilt yacht.

After the departure of our Hester servants we employed a young negro of quite an opposite type from Ben. Henry Holding lived with us and served as butler and general utility man for several years, giving all his time, except from nine in the morning to three in the afternoon, when he attended school. Henry and my oldest son were about the same age, and when the colored boy's work was over, the two would meet in the kitchen and study their lessons together. Honest,

faithful, and capable, as Henry proved himself to be, he would, I felt sure, some day reach the very top. Nor was I mistaken. In a few years he was the most successful colored man in the South and president of the largest colored insurance association in the world.

The organization of this company came about from a conversation which took place between John Merrick, our polite and respected colored barber, and James B. Duke.

"John," vouchsafed the financier, getting a shave, "why don't you hunt up a better job?"

"Lor', Mr. Duke, what can a po' nigger like me git?"

"Why, organize an insurance company and make every dinged nigger in the United States pay you twenty-five dollars a year."

John danced with delight and thought it over. The result was that the life insurance company came into being, John Merrick, the first president. The enterprise was a great success, and when Merrick died Dr. Moore, a colored physician of poise and good common sense, succeeded him. Then Moore passed away and Holding became president.

Now the difference between Merrick and Holding is just the difference between the old-fashioned, contented Southern darkey and the new, restless, ambitious, college-bred negro. John, plump and pleasant-looking, jolly and gracious, was willing to be the white man's buffoon, and laugh and bend double at the white man's jokes. Bowing most graciously, John would say, "Thank you, sir," for every fifty-cent tip that came his way. But, for all his bowing and scraping, John was always a man. Now Henry differed from John. Lean, Cassius-like, and copper-colored, he seldom smiled. He sought no tips. All he asked of life was an open field and a fair chance. He was strictly business. Existence on the Negro's level irked him.

A great tragedy lurks in the words I am now writing, and

in the life of every dissatisfied, aggressive, forward-looking negro south of the Potomac.

As regards this race issue—what the Negro is thinking about, what he is driving at, what he is demanding—no one human being is wiser than another. The Negro is the “X” in Southern life, our Brer Rabbit, sly, cunning, helpless, incomprehensible. But if anyone knows anything about the Negro race, it would seem to be someone who was born amidst negroes, grew up with them, employed them and owned some of them. Now all that I had done. In Durham, I represented Merrick and Moore and Dr. Shepherd and Professor Pierson and humbler negroes, hundreds of them, always doing my level best in their behalf.

I recall an incident, while I was practicing in Oxford. Colonel Hargrove, the queer Republican leader, sent for me one day and said he wished me to aid in defending a negro likely to be convicted on very slim evidence. I went over to the Colonel’s office and he outlined the case and gave me the facts.

“Now, Winston,” said he, in that hearty way of his, “by God, I want you in this case. You haven’t got any better sense than to defend a nigger just like he was a white man!”

The life of a busy country lawyer is hard, rough and nerve-racking. Truly, no one should be a lawyer if he can help it! His emotions overwrought, his bow never unstrung, his belt never on the idler. Therefore, after years of exacting labors, I began to think of putting on brakes—slowing up. And the opportunity to do this soon came. Down in Goldsboro my old college mate, Aycock, was again practicing law, but was anxious to move to Raleigh. Now when the Governor be-thought himself of a partner his mind seemed to run in my direction. At all events, he wired me to come down on important business.

Anticipating his object, I made known my intentions to my wife and children. Then there was wailing and lamentation.

Why should we leave Durham, the dearest, the sweetest spot on earth? "All right," said I, as I was boarding the train. "We will stay right here."

In a couple of hours I was in Aycock's office, and just about to decline his offer when he handed me a telegram. It was from Durham. Wife and children had relented. "We'll stand by you, Tige," they had wired.

## CHAPTER XX

### "GOD WILL NOT HOLD YOU GUILTLESS"

THIRTY years before, when Aycock and I were college mates at Chapel Hill, we had been friendly but not intimate. We were much too dissimilar for close friendship, he being bold and assertive and I, cautious and conservative; he, the leader of the submerged half, I, content to play a less conspicuous part of stand-patter and let-well-enough-alone. But as time passed, he and I had been drawn closer together, he becoming less strenuous, I more so.

When I presided in Aycock's district, he rode the circuit with me—the idol of the people and a great winner of verdicts.

At the convention which afterwards nominated Aycock for Governor he had delivered a courageous address, taking high ground for justice to rich or poor, black or white. Speaking to a vast throng of angry men, who considered the recent amendment a mere joke, he boldly declared that God had given them power not to oppress the weak. The new amendment must be enforced as it was written. After 1907 no white boy should have the slightest advantage, at the polls, over a black boy.

Soon after this address Aycock came over to Durham to open his campaign, making our house his home. "Governor," said my wife, at the breakfast table, "my husband and Mr. Bryant tell me you have just delivered the greatest ex-tempore speech they ever heard."

"Ex-tempore!" Aycock chuckled. "Why, my dear madam, I worked on that ex-tempore speech a full month!"

While Aycock was serving as Governor, he had simply





WALTER HINES PAGE



CHARLES B. AYCOCK



EDWIN A. ALDERMAN



DAVID COKER

EMPIRE BUILDERS—II



captivated me—to my way of thinking, he was the best living exponent of a workable, constitutional Democracy. First of all he was every inch a man and had an open mind. He was likewise clearheaded, with a keen appreciation of values. He made no fetish of the exceptional—he was not a quack doctor. There were no nostrums in his pharmacology. Equality of opportunity for all, education for all: this was his passion.

When, coming into office, he found a school term of only three months, he greatly lengthened it; he found his state next to the lowest in illiteracy. “Thank God for South Carolina,” he exclaimed. “She keeps North Carolina from the foot of the column of illiteracy!” With burning words, now of ridicule, now of encouragement, now of uplifting eloquence, he spoke, going from sea to mountains, awakening the people from a lethargy born of ignorance.

“A new schoolhouse every day in the year,” became his promise and his performance. And though the constitutional amendment failed of its high purpose, this was no fault of Aycock’s.

So courageous and so honest was the man that the richest corporations trusted him as fully as the poor one-horse cropper. Having served as District Attorney, by appointment of Cleveland, he suffered no man to speak disparagingly of his chief. Even in the excitement of the silver campaign he was closer to Cleveland than to Bryan. I recall a notable instance of this. It was at a meeting of the Democratic Executive Committee, and I was present representing Durham.

Twice Bryan had been defeated for President, and twice the Democrats of the South had endorsed him, and his platform of 16 to 1, and turned down Grover Cleveland. Major Hale and Josephus Daniels were on hand bent on swearing the committee further to endorse Bryan. At the proper time Hale rose and presented the resolution—old 16 to 1—and asked the committee to adopt it. Aycock, stern and resolute, got the floor.

"Mr. Chairman," he said, and his voice rang like a bell, "I am opposed to that resolution. The fact is I am tired of the cowardly way we Democrats have surrendered to the Populists. '16 to 1!' '16 to 1!' is all I've heard these eight long years. Gentlemen, kill that resolution, have done with subterfuge. Let the people move without dictation from us, and we will return to fundamental principles."

Aycock quietly resumed his seat and the resolution was voted down. Now, at this time, I frankly admit I was standing squarely with Major Hale. I was a trimmer, a fusionist, out for victory at any price—and under any flag. Yet I could feel my blood tingle in the presence of a stout, fearless man.

Charles Aycock and Josephus Daniels were born in the same neighborhood. Moreover, Daniels' sweet-spirited brother, Frank, had been Aycock's law partner. Therefore, though totally unlike in methods of thought, Joe and Charlie never clashed. But Aycock was much too broad, too patriotic, to array class against class. The whole interested him, not the parts. He knew the parable of the body and its members. He realized that the head could not function without the belly, nor the heart without the lungs. All must work together.

Henry G. Connor was Aycock's ideal—Aycock, indeed, counted his friends among all classes. Duke was his friend, and so were Kilgo and Caldwell, editor of the *Charlotte Observer*, a paper which had bolted Bryan and Sewell and advocated Palmer and Buckner. Without a knowledge of men like Aycock no one can understand the progress of liberalism in the South. In part, it was this consideration—a desire to become associated with this great man—that induced me to leave Durham and move to Raleigh.

And the very first conversation I had with my new partner satisfied me I had made no mistake and that we would click it off without a jar.

"Bob," he said, as he removed his long reed stem from his

mouth, and blew out a whiff of tobacco smoke, "Bob, we must try and arrange it so that the business of this office will be done just a leetle bit better than others." To that I assented.

"But, Bob," he quickly added, "you must also understand that sometimes I won't do a blessed lick of work. I'll just sit around, a whole week, and smoke my pipe and read the *Saturday Evening Post*, and gas with my friends."

"Well, Charles," I replied, "that suits me to a T. The fact is I didn't come to Raleigh to make money, I came for the fun of the thing."

And yet the people would not let the new firm rest in peace. From the opening day we were kept busy. In the spring and in the fall, Aycock would be called upon to appear in the important litigation of eight or ten counties, and would bring back with him heavy damages and the most difficult judgments, which, on appeal, I must get to stick in the Supreme Court. Indeed, I argued appeals from all over the country. Though we appeared before the legislature in individual cases, we declined retainers from public service and utility corporations—Aycock's experience as general counsel for a railroad had taught him to fight shy of such employment. When the telegraph company sought to retain us, offering a handsome salary, we declined—we were unwilling to be known as lobbyists. Yet, in one matter, relating to a violation of the Sherman anti-trust law, we represented the American Tobacco Company and won a signal victory.

Some of our cases I followed to the Supreme Court at Washington, where I appeared before judges who were worthy followers of John Marshall. At that time White was Chief Justice, and by his side sat Harlan, Holmes, Brewer, Hughes, and others. Practice in this court was a delight. There was no rush, no hurry, and no exhibition of power. This judicial body functioned as smoothly as the clock on the mantel. I knew several of the Justices personally. I had

played golf, occasionally, with Justice Van Devanter. Of Justice Brewer I have already spoken. My acquaintance with Justice Holmes came about through the courtesy of Senator Lodge.

I have said that this body of picked, detached jurists was wholly unruffled, and yet, on one occasion, I witnessed a ripple on the surface. I was seated in the courtroom, waiting for my case—Red C Oil Company against the Board of Agriculture—to be called, when an appeal from Idaho was taken up and an attorney from that state rose to make his first appearance, a fact which soon became manifest. The novice was rattling away, denouncing a fraud which had been perpetrated, discussing matters of state jurisdiction, exclusively. The Chief Justice quietly interposed.

"How did you get your case into this court?" he asked, referring, of course, to the well-known principle that nothing but Federal questions engaged its attention.

"On a point of fraud, Your Honor!" thundered the novice.

"Yes, yes," replied the Chief Justice, "but what is the precise question involved? What is it that gives this court jurisdiction?"

"Fraud, fraud! Your Honor."

"Sir," returned the Chief Justice, growing red in the face, "what constitutional provision is impinged?"

"Precisely, Your Honor, fraud, the greatest fraud ever perpetrated in the Coeur d'Alene. Fraud cuts down everything."

Rap, rap, rap, from the bench. "Really, sir, we cannot proceed in this way. In a word, tell us how you claim a Federal question, a jurisdictional question, is raised in this record?"

"Fraud, Your Honor. As I was going on to explain when Your Honor interrupted me. Fraud! . . ."

By this time the sedate courtroom was a puzzle. The visiting attorneys in a suppressed titter, Holmes and Day and

Van Devanter scarcely able to contain themselves. But Harlan relieved the situation. Turning to Chief Justice White he whispered, "Do you not think we would better let that little fellow go his own gait?"

As the ponderous Chief Justice bowed, and fell back in his chair, he quietly wrapped his silken robes around him and closed his eyelids. The little Idaho lawyer proceeded to consume his full time, explaining the greatest fraud ever perpetrated in the Coeur d'Alene! Next morning I noticed in the papers that the appeal had been dismissed for want of jurisdiction.

Some years later Judge Hughes, who had become Chief Justice, related a companion story to this. A pompous, inflated lawyer, from a nameless state, was arguing his first appeal in the Supreme Court, and was anxious to impress the judges with his learning. "May it please Your Honors," he said, in the most condescending manner, "permit me to state that I am acquainted with every phase of this case. I know the facts, I know the law. Therefore I give Your Honors leave to ask any question you may choose, and I shall enlighten Your Honors accordingly."

This modest peroration so interested Justice Holmes—the bright, particular star of the bench—that he peered down over his nose glasses, and drawled, in that detached New England way of his, "Availing myself of the privilege you have extended us, to enlighten the Court, may I inquire, by what route your case got into this court?"

"By appeal, Your Honor, the usual route."

"So I observe. But you should have come by a writ of error."

"There, by God!" ejaculated the candid novice, thoroughly confused, resuming his seat.

I had been living in my new home but a few years when a curious episode occurred. I announced myself a candidate for Congress! As I have already intimated, political prefer-

ment had been one of my suppressed hobbies and it made no particular difference what position I got just so it was an office! Like all true Southerners, I was eaten up with ambition, and anxious to spread my tail like a peacock. In other words, I resembled Bob Glenn, afterwards Governor, whose rip-roarious political harangues reminded the ornate Ransom of an empty wagon rattling down a rocky lane!

"Bob," said Governor Aycock to Glenn, who was applying for a captain's place in the militia, "Bob, why under heaven do you want to be a captain of a military company?"

"Well, Governor," replied Bob, "you see I have never been captain of a military company!"

As I have said, I had no reason for going to Congress, no political theory to develop, no changes to suggest. I simply wanted to go. In truth, if the race-issue had been eliminated I saw no difference between a Democrat and a Republican. In the matter of choosing between the two parties I resembled a colored client of mine, Peter Charleston, who lived up in Granville. One day Peter came in my office and said he wanted to get a divorce and wished to know the price. After I mentioned the cost—about fifty dollars—he sat and we talked of old times when we were boys: craps, persimmon beer, bullaces, muscadines, and other topics. Presently Pete rose to go, without another word about the divorce.

"Well, Pete," I said, "how about that little divorce matter?"

"Boss man," he said, very seriously, "ever sence you said hit was gwine to cost fifty dollars I been studyin' hit over and to tell you the Gord's truff, de ain't no fifty dollars difference twix them two gals!"

My canvass for Congress was short-lived, it soon petered out. I discovered that it would take a barrel of money to dislodge Congressman Pou—two hundred dollars to each precinct heeler, a sizable sum to a general manager, and a goodly salary to every county organizer. My canvass did proceed



so far, however, that it was thought I could win, and Pou sought me out with a proposition that if I would withdraw and leave him the field he would support me two years hence. I was very fond of Ed Pou and was glad to stand aside and let him represent our district until the day of his death.

During these callow times, when the political bee was buzzing in my bonnet, I had no other thought than the success of the party. Of course I was a Joe Daniels' man, and gloried in his paper, the Old Reliable, and its double the Rhamkatt Roaster and its editor, the Old Codger. The Old Reliable was our political Bible. Its incisive, walloping of the radicals, its ridicule of political opponents and railroad attorneys—writing their names with small letters—“james calhoun”—its savage thrusts at Governor Russell for placing Jim Young, a negro, on the Board to inspect the white blind asylum: all these onslaughts solidified the Democratic party and made it about as respectable to be a Republican as to be a highway-man or a kidnaper!

Having the caution of a politician, and his thirst for office, I was like unto all office-holders—out to win. Not to lead the people but to feed them with whatever they wanted, and give it to them red hot! Think of the difference between Clay, not running for the presidency, and Clay, in the political turmoil, and one may discover the difference between principle and expediency. Yet once, at least, I did balk at Daniels' exhibition of partisanship; I thought he had crossed the deadline even of political expediency.

When the white Republicans agreed to cut out the Negro vote, they organized a Lily White party and invited the Democracy to meet them on the basis of whites against whites. This issue the Old Reliable scouted and attacked. It declared that the nigger was still the Republican party and it was a Republican trick. The Rhamkatt Roaster clinched the argument with a sockdolager, it was “the same old coon with another ring round its tail.” In a word Mr. Daniels

drew a red herring across the trail—set up a straw man and knocked it down—to my utter amazement.

Partisan though I professed to be, I was hurt to the quick. I wrote an open letter to the Editor. Said I, "In the great assize God Almighty will not hold you guiltless for such conduct." This letter I sent to the *News and Observer* and it was set up and would have appeared, in the morning edition, had I not annulled it. About ten o'clock at night Daniels phoned and asked me to call at his home. He had fallen in the bathtub and sprained his leg and could not get around to see me, would I not call by?

"Bob," he said, exhibiting the letter which had been sent him from his office, "this thing will be wired all over the United States and will injure me no little. I do not ask you to withdraw the letter—we publish everything—I simply lay the facts before you."

"Why, Joe," I replied, "certainly I do not wish to injure your paper. I am your friend, in many things I glory in your course, but really such an editorial is not a credit. It is injurious to the state and absolutely destructive of our little city." The article did not appear.

And, just here, I would say that no doubt men of the Daniels and Walter Clark type, in their day, served the country as faithfully as did Aycock or Tompkins. Perhaps Jefferson was as useful as Washington. But I could not see it that way. I was for building up the country and not for tearing it down. The constructive seemed to me to be wiser than the destructive. Towards Clark, I was not bitter as my partner Aycock sometimes was, but oftentimes I felt a sense of humiliation at the Judge's extreme views and his manner of promulgating them. Though he and Daniels condemned violence and lynchings, they advocated measures of such a lawless and unconstitutional nature as to encourage the very violence they condemned. And this idea Aycock once blazoned forth.

It was in the Supreme Court rooms, at the last argument of Gattis against Kilgo, a suit originated by Judge Clark. At this time the personnel of the court had been changed and all the members were Democrats. In this situation, I had been diplomatic. In my address I had said I did not attack the Chief Justice. I agreed with him in many things; I honored him. And here I pointed to the empty chair which he had vacated, because interested in the litigation. In a few moments Aycock came on to speak.

"My learned brother," he said, referring to me, and speaking very deliberately, "tells Your Honors he agrees with Chief Justice Clark in many things. I want to say I don't! He—ain't—my—kind—of—a—judge!"

This remark of Aycock's was provoked, no doubt, by Clark's unusual conduct on the bench. As the end justified the means, Clark proceeded to write political pamphlets and go before the legislature and lobby his dissenting opinions into law. And though he accomplished much good, protecting the child in the factory, and the laborer on the railroad, enlarging the rights of women, and forcing the corporations to toe the mark, he undoubtedly soiled the judicial ermine—a charge which the *Charlotte Observer* hurled at him, year in and year out.

At the end of Clark's candidacy for a seat on the Supreme Bench of the United States, he came into my office to thank me for my assistance, and, for the first time in his life, unbent.

"Winston," he said, "I am an unfortunate man. I was too young to become a Brigadier General in the Confederacy and now I am too old to go on the Supreme Bench."

After I had responded in kind, I said, "Now, Mr. Chief Justice, as you have grown a bit personal and let down the foil, I would like to ask a question, Do we live after death?"

"Winston," he replied, in his smooth, dangerous manner, "in that matter I am like the Englishman who was asked to

what religion he belonged. 'The religion of all gentlemen,' he replied. 'And pray what religion is that?' 'No gentleman ever tells.' "

The social life of Raleigh was rich and full. There were old and well-established schools, active churches, residences, roomy and home-like. The women were fine hostesses, not only abounding in wit and delightful chit-chat but in well-ordered households. Everyone who was able owned a country place—a plaything with a dainty lake or tarn, stocked with fish. Well-named the City of Oaks, the capital was not surpassed for its giant oaks and shapely hickories and elms. Many homesteads occupied a city block and had pretty lawns and flowering shrubs and plants.

A distinguishing feature of the town was the accommodation for servants, some of whom had never left the premises and scarcely knew they had been set free. The relation between old Raleighites and their black friends was beautiful. The wealthiest woman in town had a maid-servant, Mary Wood, who often slept in the adjoining room and accompanied her mistress to Florida every winter. The men never went on a fishing or hunting expedition without a colored man who was their jester, handy-man, and companion. Now into this bright picture, we may be sure, our old friends Ben and Lucy, who had accompanied us to Raleigh, fitted snugly. Indeed, my youngest son thought no outing worthwhile unless Ben was along—Ben, always unruffled, always loyal, and a prince of caterers.

It was this feature of Raleigh, the social end as I have said, that had attracted me. All my days, I had read of famous salons, Madam Rowland's, Madam Recamier's, Abbotsford, Holland House, so dear to the heart of Charles James Fox. And just such a salon my wife and I had in mind, nothing suiting our fancy better than the presence of sprightly friends. We purchased the old Hawkins homestead, within a stone's throw of the Governor's mansion, with a private

water system, numberless rooms, high-ceilinged and expansive, each room bearing the name of some dead and distinguished Hawkins—the Governor’s room, the Senator’s room, the General’s room. In the basement were comfortable quarters, fitted up for the use of the slaves. This fine specimen of slavery days we engaged an Atlanta architect to remodel, enjoining upon him to have an eye to receptions. And this he did.

Our house-warming was at the wedding of our oldest daughter, an occasion of great happiness both to us and to friends in our former homes. Not only had the lawn been transformed into a thing of beauty, with parti-colored lights hid away in the shrubbery and grasses, but the apple punch was pronounced the equal of Raleigh’s palmy days. And undoubtedly it was entitled to this encomium, having been concocted by Annie Faison Smith’s old-fashioned recipe: A peck of apples, cooked thoroughly done and unpeeled, placed in a cut-glass bowl filled to the very brim with brandy and whiskey and spices, to set for weeks and weeks until the fruit was absorbed and there remained only a rich, amber-colored, ropy essence of liquid sweetness—deadly as Uncle Remus’ deceitful jug!

Sometime after this event Henry Cabot Lodge came down to address the Historical Society and was entertained by us. A reception followed with five hundred people in attendance. A curious circumstance was connected with the Senator’s visit: he failed to bring along his evening clothes and had to appear at social functions in a cutaway coat. Greatly humiliated, the affable and courtly man was full of apologies. He had expected to meet a handful of dry-as-dusts in the back room of some public building! On the contrary, five thousand people crowded the new auditorium to see the Boston aristocrat, the fire-eating Radical. After Lodge had spoken for more than an hour a wag remarked, “Oh, for a lodge in some vast wilderness!”

The Senator's oration—"The Democracy of the Constitution"—manifesting great research, was printed and dedicated to the visit to us.

At an eleven o'clock breakfast, next morning, we had a few friends to meet Lodge, including three or four charming women. Everyone was delighted with our guest: he was voted ideal. After breakfast, we gathered around an open fire in the drawing room, and the discussion turned to national affairs. Lodge considered Simmons not only a wise leader but a useful and hard-working senator.

He pronounced Claude Kitchin a partisan of unusual ability. "But for one of Kitchin's speeches," he said, "I would have been defeated last time." In Congress Kitchin had asserted, according to Lodge, that the South, under Democratic laws, would soon capture all New England cotton mills. "This statement," continued Lodge, "we posted at every crossroads of Massachusetts. It re-elected me."

As the conversation flowed along the Senator turned and asked who was the stern-looking military man who had come up the evening before and addressed him.

"Was he about seventy and clean-shaven, except a fiery, grizzled mustache?"

"Precisely."

"Why, that was Colonel Alphonso Avery, Senator, brother to Colonel Isaac Avery, killed at Gettysburg."

"Brother to the brave man who wrote the lines I read in your hall of history?"

"Yes, Senator, a brother and just as brave."

And then Lodge sat for a moment and looked into the burning coals. "Those were brave men, all of them—North and South. Had I made this visit ten years ago I would not have offered the Force Bill in the Senate."

Perhaps M. Jusserand, the French Ambassador, was the most popular visitor we had the pleasure of entertaining. The Ambassador came down to address the Historical Society

and the women of our little city simply ran crazy over the cultured and polished French diplomat. They sat all about him, on the sofas, on the chairs, on the stools, on the arms of his davenport, as he entertained them with stories of the women of France.

We likewise had the pleasure of visits from Alphonso Smith and Franklin K. Lane—Smith being a most enthusiastic and delightful lecturer, and Lane fitting into our household as a member of the family. President Taft also partook of our hospitality. Needless to say the President who had honored our friend Connor with a Judgeship was thrice welcome. At an eleven o'clock breakfast, Taft was the center of a group of cultured friends and admirers.

I likewise recall a visit from Walter Page and Edwin Markham, poet and author of those terrible words, "The Man with the Hoe." Page spoke and made his usual constructive talk, advocating industrial education and the pursuit of truth. "The South has three ghosts," said he. "Fear of Negro domination, the tyranny of religion, the reign of the Confederate Brigadier."

To the propagator of these hurtful principles, the fomenters of these wrongs, Page then sternly addressed himself:

Go unhonored hence, go home  
Night's childless children, here your day is done,  
Pass with the stars and leave us with the sun.

I had Page and Markham with me to lunch at our beautiful Club House. There the three of us sat and looked out over the everlasting hills, communed with the forest trees, breathed the soft October air and dreamed of the day when one of God's greatest gifts to man—the Sunny South—would come into her own.

But strangers and visitors were not our only guests: old friends came, those who had known us from childhood. Among the number none more welcome than Joseph Blount

Cheshire, popular and aristocratic Bishop of North Carolina—the most candid, the most truthful and the most courageous clerical, I dare say, that ever bore a crozier. One day the Bishop courteously interrogated me about my religious belief and, as I was not a churchman, wished to know my objection to the Episcopal Church. I replied that the priesthood seemed to me a superstition. Every man, like Melchisedec, should be a priest unto himself.

"Oh, well," said the Bishop, "if you have that idea further talk is useless." And we laughed and changed the subject.

Now the occasion of this unusual conversation is interesting. My wife had complained to the Bishop that the Church had neglected Chapel Hill and hence many young students had strayed from the fold, myself among the number.

"Why, Bishop," she said, "if there had been any sort of a clergyman at Chapel Hill, when my husband was a student, he'd be a good churchman today."

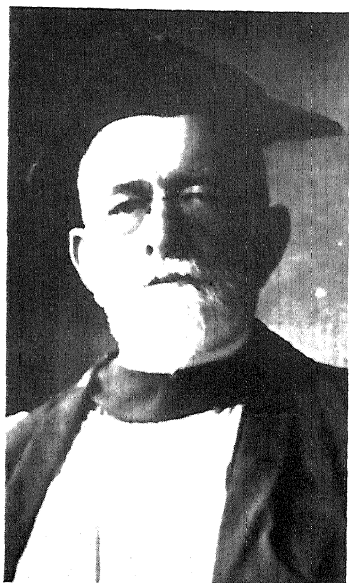
"Hold on! my dear madam," chuckled the Bishop, overcome with laughter, "I was the clergyman!"

Undoubtedly, at that time, I had placed too much reliance on the Word and not enough on the Spirit. I should have interpreted the Bible in the light of tradition and the writings of the Fathers. No doubt every religious organization stands in need of all the adjuncts: Historicity, Catholicity, Episcopacy and the rest!

The Bishop was fond of a good joke, though it might be on himself. And dearly he loved to puncture bubbles and bladders. When a high-flown Southern novel was published, having a long-pedigreed Cheshire as its hero, the Bishop sniffed and said, "Why, my people don't belong in that class. We were eminently respectable, and we go back many generations, but we never set up for F.F.V.'s!"

Once a flighty, charming cousin of his returned from a visit to the palatial home of a kinsman, Doctor Hill, in Baltimore, and was full of herself. "Oh, Cousin Joe," she beamed, "you





THE CHURCH MILITANT—BISHOP CHESHIRE, THE AUTHOR'S WIFE AND SISTER,  
AND JULIA WITH HER CHILDREN



should see Cousin William Hill's magnificent home. Why, it reminds me of our ancestral estates down in Halifax."

Now the Bishop knew that his people never had owned anything palatial. He therefore replied, "Cousin Maria, did you ever hear the story of why our grandfather refused to let Aunt Sally marry that Royster fellow from up in Granville?"

"No, Cousin Joe, do tell me about it."

"Well, young Royster came down courting our aunt, and next morning told the colored boy, who was making a fire, to bring up a bowl and pitcher, he wished to wash his face—such an exhibition of effeminacy that Grandpa broke up the match! 'Tell that fellow,' he said, 'to come down to the horse trough and wash his face like other folks!'"

A story of mine used to amuse the Bishop and he had me tell it, time and again. A poor woman, of gentle manners, and so devoted to her worthless husband that she would have sworn the horns off a billygoat to shield him, came in my office and asked me to defend her no-account spouse, charged with hurling rocks through a transom and into the next room.

"Well," said I, "what's our defense? Didn't he throw the rocks?"

"No, lawyer," she said, "not on purpose."

"How so then?"

"Well, you see, it was this way, lawyer. Jimmy, that's my ole man, he was a-drinkin' and wa'n't a-meaning of no harm. Not at all, lawyer, for Jimmy he's a good man when he ain't a-messed up with corn liquor and sich. And Jimmy he 'lows to me, 'Sal, does you see that nail right up thar in the j'ist?' And I says, 'Yes,' and he says, 'Well, I'm gwine to drive that nail up to the head.' And then Jimmy he hauled off, he did, and flung a few rocks at the nail, but he didn't mean no harm. And that's the plumb truth, lawyer, if I ever told hit!"

Thus smoothly ran the current of life, as tranquilly indeed as had been planned, when suddenly Charlie Aycock developed a leaking heart-valve. Soon he left me to join the im-

mortals—dead in the cause of humanity! Not long afterward, my wife breathed her last. Four years of war followed. And so went my English salon.<sup>1</sup>

For a while I drifted along, practicing law and winding up my affairs. In a few months, J. C. Biggs resigned his judgeship, and took Aycock's place. I had known Biggs since infancy. Son of a Confederate captain, grandson of a Senator—a Hard-Shell Baptist, a strict constructionist, an unrelenting advocate of states' rights—Judge Biggs came naturally by his love of the Constitution. When President of the Bar Association, he had written a notable address proclaiming that document the bulwark of our liberties. Fate played this splendid lawyer a scurvy trick when it made him Solicitor General and set him to the task of plowing around an instrument he worshiped. Many a time I have heard Biggs rag Chief Justice Clark for his contention that no court should declare an act of Congress or of the legislature unconstitutional. I must say that I never knew a better posted or a more inerrant lawyer, in matters pertaining to code practice and common law, than Crawford Biggs.

It was during these slack-water days—the tide neither coming in nor going out—that I chanced to meet Professor Connor of Chapel Hill.

"Bob," said I, "if a fellow had enough money to live handsomely anywhere in the world, where should he go?"

"To Washington City, of course," he replied, "and join the Cosmos Club and play golf and do nothing and be a gentleman."

Connor's words sank deep. In a few months I was in

<sup>1</sup> "University day was observed with unusually successful exercises. The Founders' Day oration by Judge Robt. W. Winston, *Aycock: His People's Genius*—was well received by the large audience, and commented upon most favorably by the State Press. A touching scene to the students and numerous visitors followed the address. Judge Francis D. Winston, brother of the speaker and a close friend of Governor Aycock, rose and embraced Judge Robert at the conclusion of his address."—*The Alumni Review*, Nov., 1933.

Washington, a member of the Cosmos, and playing golf. I had sold out my holdings, lock, stock, and barrel, at top-notch prices, and invested in United States securities, and there I was. And foot-loose. The greatest change in my surroundings, as I soon discovered, was the colored man: down South, docile, slow-going, lacking in ambition; in Washington, alert, aspiring, discontented, dreaming of equality before the law.



BOOK THREE  
BEAUTY FOR ASHES





## CHAPTER XXI

### NEW PASTURES GREEN

THE peregrinations of the four brothers Winston were unusual but not unique—oftentimes in the past whole families had migrated from the South and settled in the West. When the true causes of Southern retrogression are told more emphasis must be put on loss of population. Recently I had occasion to consult the sociological department at Chapel Hill upon this subject. The Dean insisted that it was rather the balance of population than the balance of trade that had injured the South. He cited one favorable state, North Carolina, which had lost more than 350,000 people by emigration.

In a life of "Uncle" Joe Cannon, an old Quaker and the famous Speaker of the House, I read that, when he was a child and before his folks had removed to Illinois, he often noticed droves of covered wagons filled with men, women, and children, headed for the West. The cause of this removal was slavery.

Now, not all of the Brothers had left the South; though three had gone, one remained: Brother Frank had kissed the rod and was back in the fold. But Brother Pat was an émigré, and Brother George, an exile, living in retirement in New York. Was I, too, an exile? I would say not. I rather occupied a place between the extreme of kissing the rod and shaking the dust of the state from off my feet. True I was departing, but I was leaving my heart behind. At some future time I might return, and see the thing through; I would do my part in rebuilding the old Commonwealth. But just now I needed a breathing spell.

Deep down in the bosom of every toiling son of Adam

there lurks a desire to quit business and do nothing—at least such was my case. When I gave up law practice and moved to Washington I was taking the first step in retiring—quitting the demnation grind, as Mr. Mantilini so well calls the complications of life. But the time absolutely to retire had not yet arrived; I had to slow down and overcome the momentum of forty years of a struggle red in tooth and claw. And yet I was beginning to put on brakes. I had only one client, a real-estate broker, who paid me well to sit around his offices an hour or two each morning.

After a quiet breakfast at the Cosmos Club, where I looked out upon La Fayette Square and the dignified White House grounds, I would saunter down to my office and amuse myself until noon, reading the magazines or immersed in the English classics. Sometimes I would spend a morning in the Congressional Library. Each day, by two, I would be out on the delightful golf course of Chevy Chase, and not until darkness had set in, would I surrender and, weary with the day's sport, start for the city. Chevy Chase was the playground of Presidents and Cabinet officers and lesser lights. There I met President Harding and found him friendly and likable, assuming no air of superiority, but conducting himself as modestly as a private citizen. On one occasion, I was in a foursome and the President, with only three in his party, caught up with us.

"Mr. President," we saluted, "you have the right-of-way." And we stood aside.

"Not at all, gentlemen," the President smiled. "A three-some has no standing on the course, and you have the right-of-way."

Thereupon, the President and a Cabinet officer and Ned McLean slowed up and lagged on behind us. At another time, I was playing on one fairway and the President on an adjoining one—perhaps Nos. 3 and 4—and, in driving the ball, he hooked it over on my side, barely missing my head. He

came across and was profuse in apologies. Undoubtedly the human side of Harding had much to do with his popularity. I was about to say success, but I fear he was a great success neither as golfer nor as President.

Washington was full of rumors about his excesses. Among other scandals, it was said that revenue officers, out in Ohio, once made a scoop and captured a still, reporting the matter to the press. But it was squelched when it became known that the President was the illicit distillery's best customer. This was in prohibition days, as will be remembered, when whiskey was outlawed and we were all supposed to become good by act of Congress!

The best golfer of his years, I thought, was John Barton Payne, a native of Virginia, who had practiced law quite a while in Chicago. An impressive man, of commanding personality, the Judge was a great phrase maker. In Warrenton, where he was born, the Judge placed a marker over the graves of his uncles killed in the Civil War—seven of them as I remember. Upon the tomb these words are carved: "Virginia called them"—words that tell the whole story.

Sometimes I would play golf with Judge Payne, but my mate on the course was Chief Justice Campbell, of the Court of Claims—a delightful Alabama gentleman. During a tournament of a full week, out on the Congressional links, I once went around and watched the professionals in action—Walter Hagen, Jock Hutchinson, Jim Barnes, Abe Mitchell, Francis Ouimet, and Gene Sarazen, the last a youth just entering on his brilliant career.

Two things I got out of this experience, the necessity of selecting the best clubs and learning the art of putting. Hagen, as I observed, often won out on his superior putting ability. The pros gave me leave to inspect their clubs, and I went through every bag, discovering no freak clubs whatsoever—no bulky, dreadnaught drivers, no funny, gooseneck putters. In golf, as in life, the same rule obtains: one must

know the rules and follow them. The exceptional has no staying qualities. To quote a Southern saying, "Brag is a good dog, but Holdfast is better."

A small book, called *The ABC of Golf*, aided me no little in building up a satisfactory drive. The novice should begin golf without club or ball, and standing before the mirror. Following these directions, I must have driven a million imaginary balls—bits of white paper—bearing down on them with imaginary drivers. Pretty soon I was going smooth and easy, clutching the club in my fingers and not in my palms, and the clubhead coming first in and then "oot," as the Scotch say. It pleased me to discover that golf has its maxims, just as Equity has. "Never up never in," is the foundation of effective putting, since the common fault is falling short.

"Play the club as soled," is a basis of good driving, cocking up the club being a capital error. A companion maxim to this is, "Let the clubhead do the work." That is, do not try to help the club out, play it just as it is built—flat on the ground. "Grasp the club with the fingers and not in the palms." This rule will come a little awkwardly at first, but in a short time will be easy and natural. It is the most useful of them all. "Let the clubhead come in and then go oot." This Scotch caution Ferguson taught me, and it enabled me to send the ball straight down the course.

"Never press." This rule, if followed, will correct the common fault of beginners, especially those who have played baseball, and have an idea they can drive the ball over the fence with one terrific smack. But they are mistaken, as the next maxim will show. "Follow through," teaches the folly of trying to play golf as though it were baseball. It is not the impact that counts, it is the push of the club after the impact. "Co-ordinate." This maxim implies the bringing together of all parts of the body and putting them into the play, utilizing arms, legs, and thews at the same time.

By observing these simple rules and practicing many hours

a week I became quite a golfer. Once, in fact, I was the runner-up in a contest with more than a hundred fairly good players, and received a much-coveted souvenir. The game of golf not only furnished diversion but was precious for a deeper reason: it undoubtedly prolonged my days. Before I took up the game I was becoming weak and anaemic; close attention to business and long hours at my desk had lowered my vitality and impaired my digestion. But, after I took to golf and began to live out in the open, my health improved. At sixty, thanks to the game, I had begun life all over again. It has been said, indeed, that a man may be expected to die at about fifty-five, or else to live to ripe old age.

Washington I found a city of numberless attractions, there being a social and literary side as well as a business and political. The Cosmos Club had numerous stimulating influences—a model reading room, a well-selected library, and interesting people from all parts of the globe, scholars, writers, scientists engaged in research. Each week there would be a social gathering in our reception rooms and a meeting of scientific societies in the comfortable basement—once the manger for the horses of a former owner of the property.

Some queer specimens had found a home at the Cosmos, among others General Greeley, whose grizzled, polar-bear look bespoke the Arctic explorer. A venerable English scientist, having a tousled head of hair and a bushy beard, was also one of our members. We were introduced by Duane Fox, a retired attorney of Washington, a man with a soul as gentle as ever breathed. "Judge," said Fox, after the three of us were seated in one of the cozy corners of the Club, "the Professor is from Mesopotamia and has made a specialty of fleas."

"Fleas!" I exclaimed. "Is there more than one kind of flea? Isn't a flea a flea?"

The Professor smiled and quietly observed that there were

many hundred kinds of fleas and he himself had segregated more than six hundred varieties.

"Why, Professor, you amaze me. Tell me more about your fleas."

Thereupon, he went on to say that, as agent of the English government, he had been studying the flea for half a century, that fleas are pests which carry disease, often spreading bubonic plague.

"Well," I ventured, "I am sure you never ran across an educated flea?"

"Oh, yes," he replied. "Just cut off a flea's hind legs and you have an educated flea, one that will pull wagons and do other stunts!"

Dr. Stiles, of the Rockefeller Institute, was likewise full of strange and interesting facts. He was engaged in removing hookworms from the poor of the South who had been going barefoot. His headquarters were at Wilmington, N. C., where he had achieved marvelous results. This disease is developed when pesky little parasites, called hookworms, burrow into one's toes and work their way through the blood and into the bowels. "Until lately," said the expert, "we knew nothing of the hookworm. Now we understand that it is dangerous to go barefoot in filthy soil since these vermin are very active. In fact, it is my opinion that during the Civil War hundreds of Union prisoners died at Andersonville from hookworm disease, contracted because the weather was hot and the soldiers barefoot. Another interesting fact is that the hookworm and typhoid are in origin negro diseases, whereas tuberculosis is the white man's disease. It is the contact of these two that has increased the death rate of the South."

At this time the new and wonderful instrument called the radio was amazing the scientific world. Well do I remember the first time I sat and skeptically gazed at this little contraption. Quite a party of us had gathered in the Covenant

Presbyterian Church to witness the experiment, and though there was static aplenty and poor connection generally, we did make out to hear some of the words and wondered what would next come from the sleeve of the scientists.

An interesting member of the Cosmos was Fred Howe. In the World War he had been Wilson's Commissioner of Immigration, and decidedly pro-German. In the summer-time, he was conducting an open forum at Siasconset on Nantucket Island—the School of Opinion, it was called. The experiment caught my fancy and so cordial was Howe's invitation to visit him that I could not resist. A few years later I spent several months on the Island, with eyes wide open and ears erect, in the presence of experts in the field of psychology and sociology and science. Could anyone, indeed, fail to be impressed by the outfit which Fred Howe had gathered at his Bohemian school—many of whom had been sent to jail for opinion's sake?

My delight, however, was not indoors, but out in the open—strolling with John McChord, a Kentucky judge and the adviser of the Interstate Commerce Commission. Leaving the Club, in the afternoon, he and I would pass by the crude Andrew Jackson statue—mockingly named the Hobby Horse because of its resemblance to that household plaything—with its history-making inscription, "Our American Union: it must be preserved," chiseled thereon, as rumor affirms by President Teddy Roosevelt and a blacksmith, on a dark night of course, and without authority of Congress, or any other living being!

Then, veering off towards the Treasury, the Judge and I would pass the Sherman monument and pause. There he would tell the story of a Union Kentucky soldier who died leaving a will with McChord as executor. "And my main duty," the Judge would laugh, "was to carry out the provision of the old soldier's will, which directed the executor to

purchase a monument and carve these words upon it: 'He went with Sherman to the sea.'"

The Basin and the graceful Circle, with the cherry trees in blossom, were a source of perpetual joy to McChord and myself. On a summer's afternoon we would likewise gather in the Mall, with thousands of whites, and watch a game of baseball between highly-excited rival negro teams—the darkies yelling just as wildly and unrestrainedly as if in their native South! Frequently, after nightfall, we would wander down to the sylvan theater, just off from the Washington Monument. There, prone on our backs, we would gaze into the starry heavens and listen to John Philip Sousa's band filling the air with melody.

On one occasion Dr. Moore, Chairman of the Fine Arts Commission, and I were sauntering through the White House grounds and headed for the Mall, when I ventured to remark upon the beauties of Washington. How deftly the curbing and sidewalks fitted up against the velvety lawns.

"Ah, there you miss it," corrected the Doctor. "Washington's beauty is not of man's making, the trees of Washington are her strong point."

"Oh, well now, Doctor," I retorted, "on that level Chapel Hill can put it all over Washington City."

When spring opened up, I would often go down to Mount Vernon and visit the home of Washington. Strolling quietly through the gardens, over the sloping lawns, by the slave quarters, the kitchen and the carriage house with its queer-looking carriage, silent relic of a more restful age, I would reach the banks of the noble Potomac and stand uncovered at the spot where the Father of his country lies. In that sacred presence I could but think of an utterance of a Confederate Brigadier, General Matt Ransom, in an address at our University just before the Brothers' War.

"Secession!" exclaimed Ransom. "It proposes as a remedy for evils an evil before which all others sink into insignifi-



cance; it suggests as a measure of honor an act which would cover the American name with dishonor as long as earth remains. . . . Dismemberment! It would draw a ruthless line across the Republic, although it passed over the grave of Washington and divided the ashes of the great Father of our country."

I did not often look in on the Supreme Court or Congress, having already got enough of courts and politics. But I do recall the debate on the Four-Power Pact—which President Harding and his Secretary of State were laboring to put across—when Senator John Sharpe Williams turned on his Democratic colleagues—all of whom, except Underwood, had deserted him—and exclaimed:

"Alas, Senators, if this were a Democratic measure you would all favor it, unanimously you would be found advocating it, but, as it is a Republican bill, you are fighting it."

Here the speaker paused, and discovered a smile on the face of Senator Lodge, who was mildly applauding. "I note that the Senator from Massachusetts approves this sentiment," said Williams, "and well he may. But, sir, if it were a Democratic measure, I fear you and your Republican colleagues would be opposing it." And then the great orator sadly concluded, "Ah, Senators, politics should cease at the water's edge." The effect was very fine; it seemed to me, indeed, that a Randolph of Roanoke had thrilled the Senate.

The measure passed Congress by a bare majority, and was shortly ratified by representatives of the four great powers—the occasion being one of the most interesting I ever witnessed. In my innocence, as I sat in the gallery and looked down upon this mission of peace, I thought the world was really coming to its senses and that this was the first step to put an end to war. But Will Rogers, the cowboy philosopher, seemed to understand these matters better than I. At Poli's Theater, the same evening, Will poured ridicule upon the entire performance. Impersonating Secretary of State

Hughes, and wearing the long whiskers which the Judge then affected, Rogers smiled and radiated fun.

"The Four-Power Pact," he slyly said, "it's all signed up, and England gets her slice, and France gets hers, and, er—the Japs get theirs. And America, well, er—she gets the gold pen that signed the document!"

It was my good fortune to witness the dedication of several monuments—to Lincoln, to Grant, to Dante, and to Ericsson. Fully a hundred thousand people must have attended the unveiling of the Lincoln Memorial, the throng covering both sides of the lakes. In the midst of the exercises—the President and Robert Lincoln and other notables were seated on the platform, and Taft, Chairman of the Commission, was speaking—an army plane hummed and buzzed overhead, time and again dipping down with a fearful roar to the disturbance of the audience and the displeasure of President Harding. It was said that the thoughtless offender was shortly afterwards suspended from office.

At the Grant ceremony an unusual incident occurred. In the midst of the dignified exercises, Julian S. Carr, now fully seventy-five and dressed in a new Confederate uniform, bedecked with a General's epaulets, dashed forward, unbidden, and exclaimed, "Friends and fellow citizens, I cannot let this great occasion pass without placing a rosebud on the grave of Ulysses S. Grant for his magnanimity to Robert E. Lee at Appomattox!"

When the Dante statue was unveiled, Viviani spoke in French and I was not scholar enough to follow him. But he was such a consummate orator—face, eyes, hands, body alive with eloquence—that I did not need to know what he was saying. Viviani's action overcame me. I know no one, with the possible exception of Alderman, who equaled Viviani in the use of the dramatic in speaking.

The Ericsson statue was unveiled down on the banks of the Potomac, and the cynosure of all eyes was the Crown Prince

of Sweden, a descendant of that Bernadotte, who at one time was Napoleon's marshal but remained undaunted by the Little Corporal. It seemed to me that this handsome, up-standing son of Sweden was more impressive and spoke better English than our native Americans.

One afternoon, alone, I walked out to Rock Creek Cemetery and wandered within the enclosure of hedges where sleeps Mrs. Henry Adams. Seated there and looking upon St. Gauden's great creation in marble, which Lady Asquith had crossed the Atlantic to gaze upon, I communed with myself and bethought me of the vicissitudes of life. A woman so refined and cultured, a creature so ethereal and cast in such fine clay, that she could not buffet the world about her.

The art galleries of Washington allured me; every week I would go and wonder at the creations of genius. I was acquainted with a few of the fine arts. I knew something of oratory, of music, and of architecture, but with sculpture and painting I was unfamiliar. The opportunity to come under their spell awoke tender memories. I was a child again, at Windsor Castle. I was a schoolboy. I was a briefless lawyer, without money and without clients—anon I had grown to be an expert in the profession, a victorious advocate, sweeping juries along, and reading my triumph in the faces of the rabble. I was defending old man Bob Howell, a brave Confederate, but now a paranoiac—overcome by trouble, by sorrow, by poverty—charged with killing three persons, one of whom he scarcely knew. I was coming out of the courthouse in triumph, having saved the life of this unfortunate man, when a venerable, gray-headed negro caught sight of me. "Gangway for the Lawyer!" he mumbled. "God, didn't he burn the wind!"

The theaters of Washington were not specially inviting, Keith's Vaudeville being the chief attraction. On Saturday evenings I usually went around to Keith's, not so much for the performance as to witness a curious spectacle. Woodrow

Wilson might be seen, dragging his broken body along, with the aid of an attendant and sundry policemen reaching a seat near the door. When the show was over the famous war President would hobble out the back way and down the elevator to an alley, where his car stood waiting to take him out to his home on S Street.

And as his motor reached the front, under the glare of the electric lights, the great man would pull himself together and remove his tall hat and smile upon the mob, shouting and huzzaing and tossing their sweaty night caps in air. Many an evening, as I have stood witnessing this sad spectacle, reflecting that fame is indeed the last infirmity of noble minds, I have sighed and thought of the end of the best of us—even as the immortal Pope we may become a driveler and a show.

One afternoon I heard Conan Doyle lecture on psychic phenomena. A great throng greeted him—a heterogeneous crowd, mostly people with itching ears—long-haired men and short-haired women. As for myself, I hid behind a convenient pillar to escape discovery! The lecturer exhibited numerous photographs of the human soul, which he called ectoplasms, snapshotted as they were leaving the earthly tabernacle, in the article of death. The lecturer was dead in earnest, so much so as to excite pity.

A dozen of his near kinspeople, he declared, had perished in the World War, leaving sorrow and sadness behind. To dispel the gloom, neighbors would gather at his home and engage in a service of prayer and song. These meetings developed into psychic experiences—the medium, that is, the person contacting the spirits, being a young Welsh collier who had labored all the week in the coal mines and served as a medium on Sundays. The strength of the lecture consisted in proof that many—very many—learned men, including the President of the British Medical Society, considered psychic phenomena an indisputable fact. But after all is said, the

address was wholly inconsequential—defective in worthwhile material.

This defect the speaker must have appreciated, for he proceeded to give, in great detail, a conversation with a dead brother-in-law. The spirit was asked why he and other spirits, in the other world, did not make themselves known to us, left behind on this earth. The spirit replied that they were doing their level best along that line but the denizens of earth seemed either too dumb or too wicked to catch on. The spirit went on to say that this earth of ours is a dull, drab, stupid place compared with the spirit land, where there are no loud noises, no vulgarity, and where everything is colorful and beautiful—the music, the painting, the sculpture, and the architecture.

During one of the séances, according to Sir Conan, the spirit himself said he would like to ask a question. "How is Sister Mary coming on?" he inquired.

"Not so well," was the reply. "She is losing her sight."

"Why not take her to a specialist?" suggested the spirit.

"We have, but he has failed to help her. Can you aid us in this matter?"

"Yes," said the spirit, "let her go to Stockholm, Sweden, and consult the doctor there."

"Can you give us the doctor's name and his address?"

"And then," said Sir Conan, very solemnly, "the spirit gave us the doctor's name and his office address and we took Sister Mary to see him and her sight was restored."

The lecture had a decided effect upon me; it caused me to go over Conan Doyle's writings and reappraise them. Every sentence of his now appeared weird and unnatural. I was sorry I had heard the inventor of Sherlock Holmes and the author of *Round the Red Lamp* in the role of psychiatrist. Some day we may be able to draw aside the curtain that hides from us the mysteries of life. But not by means of cameras and ectoplasms, I apprehend.

But after all, the greatest change in my environment was in connection with the colored people. Down in my old country the Negro "knew his place." He bowed to the Jim Crow laws, was content to follow Booker Washington's advice: avoid politics, eschew all idea of social equality and be a laborer. In Washington, on the other hand, Booker's advice was discarded. The Negro was race-conscious and had a chip on his shoulder—a change which had made him less original and less picturesque. Was he more of a man? I wondered.

## CHAPTER XXII

### SWITCHING FROM LAW TO LITERATURE

ONE day I received a letter from Brother George, in retirement and supported by the Carnegie Foundation. He was leaving New York on a visit South and would stop by Washington to see me. This was an agreeable surprise, and a most enjoyable visit resulted. I found him vigorous in mind and buoyant in spirit, but somewhat broken in body. He had just passed through a dangerous illness, and while still in bed had written me he wished "no family reunions around the corpse of the beloved, nor exhibitions of 32° grief, nor any other of the pitiful peacockeries usually attending death and funerals."

He and I discussed old times, we talked of Father and Mother and of our kinsfolk. Perhaps we were a family with a disproportion of intellectual activity, he suggested. It was his opinion that if Brother Pat had been reared in an atmosphere of intellectual freedom—where criticism and independence were tolerated—he would have accomplished something. As for Brother Frank, his conduct of late greatly pleased my brother: he had acted wisely when he gave up the fight, ceased to oppose the Brigadiers and became one of them.

Since I last saw him, Brother George and I had grown more unlike in our views of life and its problems. He insisted that man had come up from a lowly origin, and developed of and by himself, until he had attained the dignity of a Shakespeare—I feeling sure that a self-created creature was an impossibility. Yet we were the best of friends. I considered him in many respects the most remarkable personality I ever encountered. In others he seemed one of the weakest. In

the facility of seeing a thing clearly and expressing an idea vividly, he was unexcelled, and he had the Carlyle gift of generalization.

But he lacked that quality—reverence—the want of which, as he had once declared, was the undoing of the Roman people. More than anyone I ever knew he fell into the blunt, coarse category of many virile thinkers and assumed that wise men might first worship the gods, but they would come to the point of making them and of finally despising them. And yet the Bible was his *vade mecum*—not as a religious guide but as the unvarnished and faithful account of a primitive race in its struggle up.

When he would turn some old Bible story into ridicule, he was not loud or vulgar at all, he manifested neither anger nor malice, nor was he endeavoring to shock people or to exploit himself. I may mention an example of this, his interpretation of the account of Moses meeting the Lord on the mount and Jehovah exhibiting his “backsides.” This incident seemed so unusual that Brother regarded it as apocryphal, evidently a joke Moses was getting off—one of the earliest jokes on record!

One evening, as we were loitering between the Washington Monument and the Lincoln Memorial, discussing the problem of creation, I asked Brother how, without the hypothesis of God, he could explain the existence of matter.

“That’s for you to explain,” he quietly replied. “I found matter here when I came and that’s enough for me.”

In a few days we visited Gettysburg, going first by rail to York. On the way I again began to discuss a First Cause. I remarked that even Hume, the skeptic, conceded the existence of a creator.

“That is true,” Brother answered, “but science was then in its infancy, and Hume had not shaken off the shackles of Theism and religion. And, as you know, religion is what passed for wisdom when the world was young.”



I then suggested a possible analogy between the material and the spiritual. Said I, "If one must obey the rules, even in material things, to get results, why not in things spiritual?"

"Explain yourself," said he.

"You push the button and the electric light comes on—you push the door knob and get no light."

"Ha! Ha!" he laughed. "There you go again, Robert! Always superstitious—always afraid the whang-doodle will whang. Mankind is a surging, irresistible mass, roaring onward and upward, and all your incantations and all your prayers avail nothing to advance or hinder." Then, after a pause, he continued, "Here we are on the cars, both of us bound for York, both in the same case, but you imagine you won't get there unless you fall down on your knees and humble yourself and mumble something; I know better, I sit quietly in my seat, and the same train that lands you lands me."

Despite this materialistic side to Brother's character, he was tender, just, considerate, loving the whole human race, not any one man but all men, feeling that no person could be happy unless all are happy. It was this manifestation of the fruits of the spirit that caused Sister and me to regard our brother as highly spiritual, indeed, the very best Christian in the family.

As we drew near the battlefield of Gettysburg our thoughts turned to the part our kinspeople had played in that history-making struggle. We entered the battlefield on the Cash Town Road, and as we moved along with the map before us, we noted the historic points, Willoughby Run, Seminary Ridge, and the Emmitsburg Road. We passed through the village of Gettysburg and the Cemetery, and as we scaled steep and rocky Culp's Hill we got a glimpse of the entire terrain.

We could hear the rebel yell, as the gallant foe fell back in retreat; we heard the notes of an undaunted Confederate

band, playing lively music amidst the cannon's roar. We caught sight of the very spot where Colonel Avery, though dying, managed to scrawl upon an envelope those brave words, "Tell Father I die with my face to the foe." And we could see, at the end of the struggle, our uncle footsore and bloody as he came out bearing the Company's flag and leaving more than ninety per cent of his men dead or lost upon the field.

Since I last saw Brother he had not extended the scope of his reading; he was content with the sciences and the Bible, Shakespeare, Scott and Macaulay. He was never interested in philosophy or psychology—intellectual trifles, he considered them. Biologist, lover of astronomy and geology, he was scornful of the intimations of fancy. At this point I differed from him. It seemed to me that the practical often went into bankruptcy—a fact which the sad fate of Thomas Gradgrind and Josiah Bounderby illustrated.

Before coming to Washington I had been a reader of the English classics, nor had I entirely forgotten my Latin. A few years prior to the time I left the South, my college mate Peele had died, and just before then I called at his home and was seated by his bedside, when he turned and said, with his last breath, "Robert, I am passing away and before I go I wish to leave you my most valued possession." Feebly, he then reached under the cover and pulled out a well-worn copy of Juvenal, with the Latin on one page and the English on the opposite. "Take this," he whispered, "and at your death pass it on to your oldest son—the son of our class." This manifestation of affection so moved me that I read Juvenal until I could almost repeat the tenth satire by heart.

I have discovered, indeed, that this satire appeals to scholars, due no doubt to the fact that they, like Juvenal, must contend with poverty, *Res angusta domi*, making it difficult for them to emerge—*Haud facile emergunt*. Rarely did I meet with Bishop Cheshire—himself not a Croesus by any means—with-

out snappy quotations from Juvenal passing between us, especially the well-known, *Vacuus viator apud latronem cantabit*—"The empty-handed traveler will laugh in the very den of the robber!" And just here I may add that the Bishop was an excellent critic; he rated Lycidas as the grandest outburst of sustained sorrow in our language.

Now much of poetry and of allegorical prose was lost on me. I would take down from the shelf Browning's *Sordello* or Hardy's *Dynasts* or Meredith's *Shaving of Shagpat*, or Carlyle's *Sartor Resartus*, and whip myself to read them, but would stall before half way through. After a while, however, I discovered a way to overcome this handicap. Before undertaking one of these difficult productions, I would post myself on the author's idea. What occasioned the writing, was it a problem-theme or a skit of fancy? Did war, or pestilence, or injustice call it forth? To be more specific, I purchased a set of books which greatly benefited me. Lafcadio Hearn's *Interpretations of Literature* is juvenile and beneath the notice of experts, but it took me behind the scenes, and in plain language made me understand what the writers had in mind.

Until I read the *Interpretations*, I am sure the Grecian Urn meant little to me. It was pretty and graceful, but did not convey the great thought in the poet's mind. I did not realize that "this festive child of Silence and slow Time" had a universal appeal—the pursuit, but the failure to attain. Again, when I had read the *Shaving of Shagpat* it seemed but Greek. Hearn's interpretation of the allegory was an Open Sesame. So saturated was I with the thought of removing prejudice and intolerance, of shaving old Shagpat, that I wrote several articles and made numerous speeches on the subject.

But, hitherto, I had been a reader, not a writer. Though I had undertaken the task of writing, I had not succeeded. Barrett Wendell's stimulating work, *English Composition*, had interested me, because it taught that diagrams and mechanical rules dry up inspiration, and it insisted upon the

necessity of a study of the masters, the practice of writing, and an observance of the rules of composition. But despite my study of Wendell, I was unable to write. This defect was manifest while I was a lawyer and undertook to express myself on any subject except the law.

On the occasion of McKinley's death, John S. Bassett and I addressed Duke University, but my effort was a half-baked affair. Totality of conception was lacking and there were many purple patches. So again, when Roscoe Pound and I spoke to the Bar Association of South Carolina, my discourse was feeble—more rhetorical than suggestive.<sup>1</sup> As President of the Historical Society I once made a plea for a larger state pride and had many good thoughts in my paper, but there was a self-consciousness about it and a clicking together of the heels which offended good taste.

My address on Ransom, before the legislature, presenting a marble bust of the General, was prepared with much feeling and was in fact the first attempt of any writer to do justice to the old Union-loving Southerner. But it scattered—it fell under the condemnation of Colonel Tom Fuller. "The lawyer," said the Colonel, "shoots a rifle ball and hits the black, the stump speaker rams his shot and scatters all over the barn door!"

From this casual reference to my ventures into the realm of letters it may appear that I always had an itch for writing. And this is true. Though my ambitions had been numerous, literature was one of them. The thirst had languished, no doubt, but the smoking flax had not been quenched. Perhaps the impulse was a subconscious one, and yet the subconscious is often more powerful than the conscious. At 'Sconset I once heard Floyd Dell elaborate this idea, adding that it is

<sup>1</sup> After Dean Pound had spoken on the modern concept of law—not a mere rule of action but unity—I made quite a break by remarking to him that he had undoubtedly been reading Cardozo's new book, *The Nature of the Judicial Process*. "Quite otherwise," was the dry reply. "Cardozo has been reading me."

impossible to interest anyone in any thing in which one is not already interested, either consciously or otherwise.

Because of my subconscious flare for literature it was not difficult for me to switch to it from the law. And yet a lion stood in my path—a lack of training. I could write a lawyer's brief. I could iterate and reiterate, I knew my *said*s and *aforesaid*s, my declarations, pleas, replications, rejoinders and surrejoinders, my rebutters and surrebutters. I could be as dull and prolix as the dullest black-letter lawyer—always endeavoring to prove something—but this was the very opposite of literature.

Now when the thought of the reach of authorship burst upon me, it swept me along. I began to realize that the writers, rather than others, accomplished something and survived the test of time. One morning, in St. John's Church, the choir sang "Rock of Ages," and as I listened to Toplady's simple lines I concluded that they would outlive the glory of all the politicians. I do not think this feeling of mine was wholly selfish. I am sure, in part, it was altruistic. I was desirous, though in a feeble way, to serve mankind.

It was while these fanciful ideas were playing with me that an opportunity to write something presented itself. Just then Ernest Gruening was inviting essays on the subject of the states of the Union, to be first published in the *Nation* and then to appear in book form, each chapter to contain about 12,000 words. After some correspondence, I undertook the task of preparing the chapter on my state—Gruening encouraging me with the statement that a dozen writers had failed to come up to the requirements! The plan of the work was to pluck out the heart of each commonwealth, using new and fresh material, and wholly omitting generalities. "Pick out two or three strong men, men who have made the new state of North Carolina," said Gruening, "and go to it. Tell how they did it!"

After a month of labor I evolved the article and sent it

on to the compiler. In short order it came back, with the comment that the first half was fairly good, the second, abominable! This criticism was rough, but encouraging, and I went at my task again with a vim. In a few weeks the corrected article was again on the editor's desk. But it too came back, and this time Gruening fairly exploded. "The thing is lacking in totality, it gets nowhere," he wrote. "Really worse, much worse, than the first." Now, though this language was harsh, and Gruening seemed to be treating me "like a damn sophomore"—and I old enough to be his grandfather—I did not lose my temper. I went to work on it as before.

But, I had lost confidence in myself, and had become befogged, as Judge Shipp used to remark when a new point of evidence was sprung and he adjourned court to look up the law! The more I wrote the less I seemed to say. Just then, however, a bright thought popped into my head. I would run down South and get the crack reporter of my state to round out the article. Accordingly, in a few weeks, the revised and corrected bit of literature was speeding on its third voyage to New York. It met the fate of its predecessors, and was soon back on my desk. This time it was chucked away in a pigeon-hole and there it remained the live-long summer and well into the fall.

The summer season in Washington is not pleasant and to escape the heat I would visit New England, sometimes going to the Berkshire Hills or the Green Mountains, sometimes to the lakes of New Hampshire or to 'Sconset on Nantucket Island. My first visit, north of New York, was to Woodstock, Vermont. I had heard much of the beauty of New England villages, and of their tidiness. Woodstock measured up to this praise. The Woodstock Inn and the homes of the Billingses, the Baileys, the Alba Johnstons and the Dreers were hospitable to a degree.

In about thirty days the reticence of New Englanders

seemed to wear off and I felt quite at home. Indeed I agreed with Wirt, the Baltimore attorney, in a letter to a friend in the South, written from Boston. "There is no difference between the good people of Richmond and the good people of Boston," wrote Wirt.

I recall a sermon that interested me, it being so different from the usual orthodox Southern discourses. It was presented by a bright young scholar, a Unitarian, and in the Old White Church. His text, or subject, was the personality of Jesus, but he soon left the text and switched off to Shelley. It was the poet's birthday, as I remember, and the young speaker seemed inspired as he traced the analogy between him and Christ—the love of each for mankind, and their generosity and kindness. All of which was quite shocking to one who, like myself, imagined that an author's worth depended upon his character and that "by their fruits ye shall know them." At that time indeed I did not appreciate Shelley; I could but think of his deserted wife, big with child, and he running off with another woman.

After I had been in Woodstock two or three months and met visitors, natives, shopkeepers, and laborers, I became interested in them, as they seemed to be in me. The women of Vermont asked me to talk to them and to select some subject distinctively Southern. I chose as my theme General Lee and, for an hour, pictured the horrors of Reconstruction, the suffering and poverty of our people, and the part which the General played in our upbuilding.

"But we bore it all—bore it without whimpering," I said. "And we came out triumphant—our pillar of fire by night, our pillar of cloud by day, Robert E. Lee." I made a strong plea for brotherly love. I urged the women to study the life and character of Lee and I assured them they would discover one of the most Christ-like of men. Our meeting was held in the reception rooms of the spacious Bailey home, Mrs. Bailey having been born a Paige, in old Virginia. Her

husband was a typically strong, unemotional and splendid Vermonter. When I had finished my remarks, Mrs. Bailey came up and took me aside and clasped both my hands in hers and thanked me from the bottom of her heart. With the deepest emotion she said, "Until today my Vermont neighbors had never heard our side of the story."

When the cold September nights came and a touch of frost was in the air, I bade adieu to my New England friends—including two visitors with whom I had played many a game of golf, the Dana brothers, one a New York neurologist, the other the librarian at Trenton—and returned to my home at the Cosmos Club.

Some months later I was packing up and getting ready to visit relatives down South, when my eyes fell upon the manuscript which had given me so much trouble—poor, despised, rejected thing! By mere chance I picked it up, dropped it in my bag, and took it along with me, and one day, when Louis Graves, editor of the *Chapel Hill Weekly*, was calling, I took out the manuscript.

"Louis," said I, "read this thing over and tell me if I shall chuck it in the fire." In a short time the article, revamped, was back in my hands, and when I read it I could not believe my eyes. Louis had cut out a dull sentence here, had added a line there, had wiped out all preachments, had lightened the thing up with an appropriate story or two, and made such a readable thing of it that I did not recognize it.

In due course the mail brought a check for my first literary effort, whose chief merit, I fear, was its subtitle, "North Carolina—a Militant Mediocracy." With the remittance came a letter from Gruening stating that the article at last measured up to the other forty-seven. But my ardor to become a writer was considerably cooled, so much so that I almost abandoned the idea, realizing it would take years of training to transform a lawyer, "sot in his ways," into an author.



The repercussion from this, my first production, after it appeared in the *Nation*, was interesting. People of the old school, who set store by ancestry, were horrified at the subtitle and the word mediocracy; but the newer element—college boys and girls specially—were pleased at my frankness. The article had featured five representative North Carolinians—Aycock, Page, Clark, Daniels, and Duke—paying special attention to Clark and Daniels.

Clark's well-known lawlessness and violations of judicial propriety were laid bare, but he was given credit for being a friend of the laborer. Daniels was depicted as a strict party man, a Wet or a Dry, as occasion required—a trust-buster or a trust advocate, according as Bryan or Davis was the candidate for President. Whereupon each one reacted in a characteristic manner.

Clark wrote a letter of thanks saying he was proud to be what I had said he was. Daniels made no answer, but called up his friend, Frank Winston, urging him to reply, thus seeking to set brother against brother and to turn the whole thing into ridicule. Brother declined this request, of course, though he and the balance of us stood in wholesome dread of the Old Reliable—Chief Justice Smith once remarking to his associates, as he read them the court's opinion in an important public matter, deciding the case contrary to popular demand, "Well, brethren, here it is, but we haven't heard from the *News and Observer* yet!"

Referring to my article, as it appears in the book called *These United States*, it will be seen I had been brash enough to suggest that our great Democratic leader, Josephus, was so partisan that he was seeing things. He had charged the Republican party with unspeakable wickedness: it had taken the laurels of discovering the North Pole from Cook, the Democrat, and given them to Peary, the Republican! It was trying to remove the monument of Andrew Jackson, founder of the Democratic party, from its conspicuous place, in front

of the White House, to an obscure corner of the city! As to the Rockefeller Foundation it was a willful and deliberate maligner of the South—spending millions of dollars to get rid of imaginary hookworms, a disease that did not exist, the Southern people being as healthy and vigorous as any! Such men as Professor John Spencer Bassett, of Trinity College, proclaiming Booker Washington the greatest Southerner next to General Washington and Robert E. Lee—why they should be run out of the South! “Trinity” (now Duke), roared Daniels, “must rid itself of Bassett or it must perish.”

At this time my contract of employment had been canceled, at my urgent solicitation, and I was free to go or do as I chose. Singularly enough, I concluded to go back to my old college at Chapel Hill. Why I should have done this I am unable to say. Perhaps it was the lure of the Old South. No doubt I was seeking a hobby—something with which to amuse myself in old age. I may have been longing to discover how far scientific and religious knowledge had advanced since I was graduated forty-odd years before.

Whatever the reason, I did actually leave the Cosmos and return to Chapel Hill. I matriculated and became a freshman again at sixty, to the amusement of faculty, students, and friends. In fact the boys were soon whistling, tum-te-tump, to my step as I crossed the campus, and Harry Chase, the President, had entered into the sport and was summoning me before the faculty for flunking a class, and the Zeta Psis had installed me and had me riding the goat—the same my two fine boys had ridden years before!

## CHAPTER XXIII

### “HAVE YOU NO IDEALS?”

THE first summer after I had re-entered the University was spent at Williamstown, Massachusetts, where I attended the Institute of Politics and enrolled at the Round Table called the Road to Plenty. My experiences at this Table were not entirely satisfactory. It saddened me to sit for weeks and listen to the over-zealous instructors expound their theories and insist that there was no limit to business expansion. America's stocks and bonds and other securities were absolutely safe.

And yet, at that moment, the gigantic boom was beginning to sweep over the United States. Corporations were splitting stocks ten for one, giving extras of one hundred per cent; typewriter girls and elevator boys were quitting work to hang around stock brokers' offices; and legitimate business was at a discount. America in a fool's paradise. It was during this feverish rush for money that our professor rose and said, "There can never be another panic, nor a money scarcity. As for unemployment, it is simply impossible—a thing of the past. The national and state governments will co-operate with the corporations to prevent those evils."

In fat years, as the professor asserted, the corporations would set aside enough money to tide over the laborers through lean years. Moreover, during the lean years, the Government would undertake public improvements, such as road building, construction of bridges and houses, so that everyone would be employed and no one idle. Nor was there the least danger of over-production. The laws of business would see to that. If old enterprises should fail, new

ones would start up. The airplane was just in its infancy. Suppose the railroad should lose out, why, the development of air machines would require more employees than the country could supply. In fact the only hindrance to business was the Government. The policy of the President in raising the rate of interest so high as to shut out the average man from dealing in stocks on a margin, this had been, and continued to be, the only cloud in the business sky!

Now, one day this director of our Round Table was absent and I rose and expressed a decided dissent to his rosy views. Though I was a tyro in stocks, I knew enough to conclude that no corporation could be worth so much more than the assets behind it. A stock selling at many times its book value was not only inflated, but must collapse. "America is riding for a fall," I boldly declared. But I made little impression on my hearers, though Governor Brewster of Maine and other wise men confronted me.

Sometime after this event, I was at Clifton Springs, New York, and a masseur was giving me a treatment. I found him well educated, a man of varied experience—a son devoted to his father and mother in far-away Sweden. He had saved up twenty-five hundred dollars, he told me, and was getting ready to return to his old home and gladden the hearts of his parents. But the home journey did not materialize; the poor fellow lost every penny he had saved. As he told the story, he was treating a New York stock broker, who continuously boosted the stock of the Shenandoah Company.

"This man gave me a tip," said my masseur. "He told me to put up all my money, on margin, and buy \$10,000 of the stock and I would soon be rich. I put up my earnings and, in a few months, was sold out." The masseur gave me the name of the broker who had tipped him and I noted a resemblance between it and one of the directors of our Road-to-Plenty Round Table.

Undoubtedly, the course in logic was making me observant

and critical. Perhaps, I was beginning to think things through, to form concepts. Probably I was becoming a nuisance! Certainly President Garfield, of Williams, must have considered me a mere busy-body. During the summer, the Institute of Politics had arranged a discussion of European affairs by three experts, Count Kistler, formerly a member of the staff of Emperor William; Abbé Dimnet of Paris, and Gregg of London. With great interest, I sat and heard every one of these addresses, twenty or thirty in all. So deeply impressed was I that I formed certain conclusions as to the manner of untangling Europe.

These views I put in writing. They were as follows: America's debts against European nations should be canceled, provided the debts of such nations among themselves—except Germany's debt to France—should likewise be canceled; the Corridor which divides German territory should be obliterated; the clause of the Versailles Treaty denouncing Germany as the sole cause of the war should be stricken out; and, finally, the integrity of the Rhineland should be protected—guaranteed from invasion—by England and France.

After I had drawn up this paper I submitted it to the three lecturers and they, each for himself, read it with care, made certain corrections, and approved, as far as they had the power, assuring me that their respective countries would be pleased if the plan could be carried out. I then bethought myself of the wonderfully intelligent and patriotic women who had been attending the Institute—some two hundred of them—and I resolved to get their co-operation.

Accordingly, a meeting of a score or more of these women was held at the Inn and we discussed the paper, up one side and down another. In my enthusiastic manner, I insisted that the sessions had been so useful that they should not end without an endorsement by us and appropriate resolutions. I urged that a public gathering of the members of the Institute be called and the resolutions discussed and adopted and given

out to the world. My enthusiasm was contagious. The women, without dissent, were aroused: one, from Boston, agreed to take a copy and go over to London and present it to the British Government. Another, from New York, would cheerfully act as agent and present the resolutions to the Quai D'Orsay. I was designated to confer with the State Department at Washington. But, at this stage, a discreet woman spoke up and said,

"Do you not think we should first consult President Garfield?"

"Why, no," I replied. "Let's go ahead, regardless."

But the women, very wisely, overruled me and I was delegated to confer with Garfield and get his consent. I found my distinguished friend in hearty accord with us, indeed, I might say, enthusiastic. "But," said he, "the policy of the Institute is to discuss matters, not to decide them." And so our concept blew up. Our dream of untangling Europe vanished!

I may add that as I passed through New York, on my way South, I called at the offices of the leading magazines and showed my paper to the editors and discussed the little whimsy with them. I found them as much interested as Harry Garfield. But they declared they could not publish anything advocating a cancellation of debts—the people simply would not stand for anything of the kind. The article finally appeared in *Christian Science Monitor*, of October 1, 1924.

I have said that my experiences at the Round Table were not satisfactory. But this statement does not apply to Williams College, nor the lovely little village, nor its hospitable people. The President's home welcomed me; the college library was my delight. Morton, of the school of philosophy, and Banks, the village poet, and I roamed the hills together, discussing literature and politics, contrasting the birds of New England with the birds of the South, and I, amusing them with stories of Negro life.

At the home of E. Parmele Prentice, each Saturday afternoon, a concert would be given, artists of renown appearing, accompanied by the wonderful organ which covered an entire side of the residence. The choicest spirits of the Institute and of the community—often two or three hundred—would attend these splendid concerts. That unique residence is situated on an eminence, in the center of an estate of several thousand acres, with hundreds of expert laborers engaged in demonstrating Prentice’s pet theory that the personal equation of an animal is rather to be considered than its pedigree.

On one of the many trips which I enjoyed with Mr. Prentice—this time up to Burlington, Vermont—M. Siegfried and Madame Siegfried, accompanied us. The cultured author of *America Comes of Age* was a most interesting companion. He was afraid of America, afraid of her size and rapid development. Though he admired his own people—designating France as a nation of artisans and America as a nation of machine operators—he criticized his country, declaring that she had wasted great sums of money on cathedrals and monuments and other works of art. As we were passing a large, reddish, unsightly Vermont barn, he pointed and said, “Why, that building is quite sufficient as a place of worship for any people.”

Early in the fall I was in Chapel Hill again and keen to go on with my studies, which now included Croce’s *Philosophy of History*. As for logic, I must admit I was disappointed to find that philosophy is not, in any sense, religion or an approach to religion. Logic may supply one with a kit of tools. Logic is indispensable to the debater, to the writer, and to the orator, but logic is the science of thought, not of religion. Though I enjoyed the philosophers, and read with interest the writings of the Harvard professors—James, Royce, Santayana, Whitehead—I considered them infants crying in the night, as ignorant of the mysteries of life as Solomon or Moses thousands of years ago.

When Bergson saw life as the *élan vital*, was he not defining life in its own terms, like a cat chasing its tail? Kant's categorical imperative, what is that catchy phrase but a succinct statement of man's instinct to develop? Darwin's theory of the survival of the fittest is now smothered by exceptions. Well do I remember the day I first tackled Leibnitz's attractive little treatise, called *Monadology*.

It was a warm, February afternoon and I had gone down to a place, near the village, called the Meeting of Waters, and taken a seat on the moss-covered stones of an old tumbled-down negro cabin. A Carolina wren was filling the woods with his rotary notes, the soft grass was beginning to carpet the meadow. Here and there quaker-ladies were showing their tiny, bluish heads. Filled with the inspiration of the scene, I opened my book and began to read, becoming entranced at the thought that what I had been calling matter was not matter at all. It was energy, an immaterial something; each particle of matter, millions of monads, and God in every one of them. Presently I finished the text and was hastening to the conclusion. I longed for something tangible, something definite—but I found none. Would not learned philosophers do well to imitate the bewildered Kant and candidly admit that “while we do not comprehend our theory, we can yet comprehend its incomprehensibility!”

Herbert Spencer's *First Principles* always had attracted Brother George, furnishing, as he thought, an explanation of the problems of life. But to me, Spencer was a superficial egotist, one who dogmatically denied that which he could not perceive or understand. In truth, my opinion of Spencer's synthetic philosophy was that of the learned, common-sense Richard Potter. “Won't work, my dear Spencer. Won't work,” said Potter to the professional doubter defiantly proclaiming his practice, on a Sunday morning, of deliberately walking against the tide of church-goers.

The words of the philosophers, though they filled the



mouth, did not intrigue me. I came to know something about ontology and entelechy and epistemology, and stoicism and the rest. But, after all, they were words, words, words—I could get some sense out of the writings of King David and the Apostle Paul and the Evangelist Luke. I thought I understood what Paul was driving at when he said, "Though I speak with the tongues of men and of angels and have not love I am become as sounding brass or a tinkling cymbal." That statement was plain. It implied that life without kindness, without forgiveness, without love, was hollow and empty. And this was but another way of saying what the prophet long before had said. All that God requires of us is "to love mercy and to do justly and to walk humbly with thy God." The language of philosophy was not so stimulating as *that*, nor was it nearly so simple.

Perhaps the most interesting of summers was the one spent at 'Sconset, on Nantucket Island, with Fred Howe's School of Opinion. There I had many new experiences: Two and a half months of unbridled discussion about art and religion and psychology and biology. Many notable scholars were in attendance: Sinclair Lewis and his handsome first wife; Kellen and Mayo, psychiatrists; Floyd Dell and Bruce Bliven and James Harvey Robinson. There too were Fred Howe, George Middleton and Dr. Lull. Each afternoon, the Isadora Duncan dancers would give an exhibition, barefoot on the greensward. Just down the beach, crowds of men and women, naked as an unfledged jaybird, were disporting themselves in the briny deep—the exact environment to pull me up out of my shell of provincialism!

Soon after the school opened I asked Editor Bliven what was the objective of the *New Republic*. He replied that the magazine had no objective.

"Have you no ideals?" I inquired.

"None," he answered. "We do well to interpret the day's news."

And this statement characterized the School of Opinion throughout. The wise men there assembled looked upon the human family as an unwieldy, unknown and unknowable animal, evolved from mud and mire, red in tooth and claw, and going somewhere, whither no one knew. Hence, they seemed to ask, “What’s the use—*carpe diem*.”<sup>1</sup>

At one meeting I broke the spell of materialism. I referred to the ultimate and the absolute and suggested an approach through the intellectual process, as explained by philosophy.

“Philosophy!” Middleton sniffed. “What can philosophy teach? Illustrate your precious absolute.”

“Well,” said I, “suppose you take the Sermon on the Mount as a starter.”

One evening I spoke on the Negro question, and, to my surprise, a score of the waiters, porters and chauffeurs, mostly residents of Central America and the Caribbean Islands, lined the steps and filled the rear benches. In plain words I told of the Southern Negro, who had all advantages except manhood rights—in other words, was a serf. “If I were a negro,” I said, “I would demand of the United States all my rights, under the Constitution, unless given a home for my race—a real Fatherland.”

I then went on to say that Southern whites could not fully develop, nor could Southern blacks, until a separation took place. We were separate races and amalgamation was not to be thought of for one moment. Now, in the audience, there were a great many extra-liberal women, some of them hecklers. One of the latter spoke up and asked:

“Why do you say amalgamation is impossible? What’s the objection to my marrying a colored man if I choose?”

“None,” I said. “It’s all a matter of taste.”

Another person in the audience wished to know if Southern negroes voted.

“No,” I replied, “they do not.”

“Well, do you think it fair to use negroes to swell the Southern vote in the Electoral College?”

“I do not.”

My candor seemed to impress the hearers. At all events it put an end to interruptions and I concluded by saying that my labors to settle the Negro issue were not so much to help that race as my own. I insisted that the white people of the South could never attain their rightful place in the Nation so long as the negroes were astride their backs. Now, in making this speech, I had referred to an article I had written for *Current History*, and which I held in my hand. The article was called the “Rebirth of the South.” When I had finished and was leaving the hall, an educated negro approached and asked me to lend him the magazine. I complied, and the negroes took the article and read and reread it, keeping it a full week, and assuring me it met their approval.

Just before Labor Day I left the Island, where I had been so greatly benefited, and went up to Boston. I was desirous of visiting the scenes associated with Longfellow, Hawthorne, Emerson, Thoreau, and Holmes. I wished also to lay eyes on Faneuil Hall and Plymouth Rock and the Bridge where the shot was fired heard round the world. I was specially anxious to go through the Harvard campus—the only spot in the North liberal enough in 1867 to keep its head and telegraph congratulations to President<sup>1</sup> Johnson on his acquittal of high crimes and misdemeanors. Of course I inspected St. Gauden’s monument to Colonel Shaw, who had been killed in battle leading a negro regiment against the city of Charleston, and whose dead body, unmarked and unidentified, had been tossed into a pit with hundreds of dead negro soldiers—

<sup>1</sup> I saw something of Dr. Eliot, the famous liberal. I heard him deliver several addresses. Once at a Phi Beta Kappa banquet President Winston responded to the toast “Harvard” and acclaimed its liberality—every nation, every race, without regard to creed or color, finding a welcome at Harvard. Replying, President Eliot thanked the speaker and added that he had limited the scope of Harvard University. “Not only a brother to every human being but to every creature that breathes and lives.”

so great was the scorn and contempt he had excited in the breasts of his foe.

As I sat, gazing at the Shaw monument, my mind turned to the subject of the Civil War and the manner in which North and South, alike, had kept alive sectional bitterness. Washington, as I knew, was filled with memorials of this kind, and so were Richmond and the state of Virginia, and almost all the other states. After I arrived in Washington I went around to the Library of Congress and had a conversation with the librarian. I asked if America was not the only nation on earth so silly as deliberately to perpetuate dissension and internal strife.

The librarian was not sure on this point, but said he would investigate and let me know. In a few days I received a report from an expert in the library. It confirmed my conjectures. The United States of America, alone among nations, is so unpatriotic as to keep alive internal discord. Nowhere in England, nowhere in France, not in Italy, not in Germany, not in Austria, nowhere in all the round world, except in, “the land of the free and the home of the brave” are there monuments erected on Civil War battlefields.

Long before the coming of Christ—three hundred and fifty years before the Christian era—the Greeks were agitating a Confederation, and a question, similar to the one we are now considering, arose. “Should Civil War memories be preserved, in the new Confederation?” The answer was in the negative. It was unanimously determined that no state should be permitted to enter the Confederation until it had destroyed all books, all papers, all documents, all markers, which reflected, in any manner, upon a sister state.<sup>2</sup>

<sup>2</sup> I once heard a great teacher of sociology—Southern bred for a hundred years—declare that Civil War monuments in the South were almost fatal to progress or change. “Young men reach our college,” said he, “filled with the glory of the Confederate cause. They really imagine that the South won the war; a thousand monuments proclaim this fact—monuments which perpetuate class distinctions, retard growth of liberalism and glorify war. Why, it requires four years to eradicate such antediluvian notions.”

In this connection I reflected that nowhere in America to-day is there a great national peace memorial—a monument to commemorate the end of civil strife and the burial of the guns. So far as I know there is no such monument. Is it not high time America gave thought to this matter? Undoubtedly, some time in the future a marvelous, universal peace memorial will be erected. Not to Sherman, not to Johnston, but to the angel with healing in his wings. And what spot more suitable than the Bennett Place at Durham, North Carolina? There, two weeks after Appomattox, Johnston surrendered forty thousand troops to Sherman, with twice that number—the last organized armies to stand face to face on the American continent. The Bennett Place, therefore, was the scene of one of the most important events in all history.

There the great Brothers' War came to an end. There the battle-flag was furled, and there a peace monument should commemorate the end of fratricidal strife. And what place more appropriate than the Old North State, which never had in her borders a wild, unbridled son, like the great McDuffie, to exclaim, “When I hear a Southern man cry, ‘This Glorious Union,’ methinks I snuff treason in the tainted gale.”

On my way to Chapel Hill I stopped off at Sister's, and while I was visiting her news came from Spokane that Brother Patrick had passed away. Naturally our thoughts turned to him, as they wandered back over the twenty-five years he had spent—an exile in a far-away state, but always with visions, like those of the great Napoleon, of his native land. We spoke of his impulsive nature, his tender heart, his generosity and liberality, his attachment to Windsor Castle. I recalled a little incident when I was a child and he on a visit home. I remembered that he called me Robert le Diable! And, in the most affectionate manner, threw his arms about me and exclaimed, “Robert, toi que j'aime!”

Sister referred to his love of the Christmas season, with its rich memories. Said she:

"Did you read his recent tribute to Christmas in old Bertie?"

"No," said I, "and have you the article?"

Sister then took down a file of *Winston's Weekly* which she had carefully preserved, and read:

## CHRISTMAS

"Next Friday will be Christmas.

"No other day recalls so many sweet memories. As I think of it the past comes back to me like a happy dream. I am once more a child, I see the face of my father, I hear his voice. I see mother, her face is aglow with the light of love.

"The well-filled stocking hangs by the chimney corner. The first light of a soft Southern Christmas morning is creeping through the window blinds. I hear the stealthy footsteps of the house servants as they creep to the door to 'catch' old master's 'Christmas gift.'

"'Christmas gift, Master—Christmas gift, Master.' I hear them now.

"I see the village church above whose simple altar were inscribed in letters made of Southern foliage the words:

"'Unto Us a Son is Born.'

"I behold the faces of the little congregation radiant with the spirit of Christmas, so many of them bound to me by ties of blood and love. I hear the voices of the choir chanting the Christmas carol, and the peal of the organ reverberating within walls decorated with glossy holly and redolent cedar.

"Once more I take my place at the table and partake of the Christmas cheer. Around that hospitable board are gathered father, mother, brothers and sister. The old black mammy arrayed in all the glory of Christmas gifts, the ebony butler

beaming with pride, the good old housekeeper bustling and nervous lest something be wanting to complete the feast for whose perfect appointments she holds herself responsible, the eager and expectant faces of the little darkies peeping in the door, the table loaded with everything good to eat, cooked as only old Aunt Charlotte could cook it, the Christmas tree ready to be lighted in the center of the table! I can see it all and I hear my father's voice saying: 'Bless, O Lord, these mercies to our use and us to Thy service.'

“When all is over, the happy greetings, the bountiful feast, the gifts of loving hearts, and the day consecrated by the faith of centuries is done, and night has come once more, I feel upon my lips my mother's good-night kiss.”

In a few days we received the copy of *Winston's Weekly* which announced our Brother's death. It contained the tributes paid him. One, by the Bar of Spokane: “It is our deliberate judgment,” his brethren had declared, “that for wit and humor, for logic, for eloquence, for learning, for love of justice, for kindness of heart, for sympathy with the unfortunate, for lofty and noble Americanism, he had no superior, in this or any other age of our country.”

## CHAPTER XXIV

### A FRESHMAN AGAIN AT SIXTY

IN the last chapter I undertook to tell of a New England village which I visited. Let me now picture a little Southern village. In the foothills of North Carolina nestles Chapel Hill, the seat of our University—a spot so alluring that undoubtedly nature strained her loins in bringing it forth! From this elevated plateau, verdant with every tree and plant and shrub and flower of the temperate zone, one may look out in all directions—north, east, south, and west—for miles and miles, over rolling hills of green and over pleasant valleys, watered by pebbly brooks.

And the heart of the village is the University, or, to speak more accurately, the village is the University. When one says Chapel Hill he means the University, and when one says the University he means Chapel Hill. Town and Gown are one. Like a little gem in a setting of gold the University is a picture of unity. Everything on the Hill points to the central figure, the University. The little village seems to exist but to sing the praises of University. Roads, streets, avenues, bypaths, arboretum, stadium, and forests—alive with the song of birds—all these do homage to Alma Mater.

Though the college buildings are inexpensive, and without great architectural beauty, the campus-setting, amidst oaks and hickories and ash and dogwood, is unsurpassed. Nowhere in America, or in England, have I seen a lovelier spot than Chapel Hill.

Dear University,  
Thy sons right loyally  
Thy praises sing.



But the strength of the place is not in things material, it is in its spirit. Of late years, the University has been a lighthouse to the mariner, to warn the helmsman of rocks and shoals—of the danger of narrowness, of sectionalism, of bigotry. In the early days, when the University authorities named the principal street of the village, extending east and west for more than a mile, they called it Franklin, in honor of Benjamin Franklin. That fact is significant: it indicated that the honesty, integrity, industry, and good common sense of Poor Richard was to be the foundation of the college.

The inscription on the Confederate Monument, out in front of the South Building and hard-by the Old Well, is also thought-provoking. Not an appeal to emotion nor to passion, not a suggestion that the curtain fell at Appomattox and, since then, the South has lost her freedom. Far from this. A bare statement that the sons of Carolina went forth to battle at the call of their state.

And now, at the age of sixty-odd years, I was back again on the Hill—sole survivor of all the students and faculty and villagers of '75. All, all were gone—the old familiar faces. The oldest faculty members now were then freshmen to me. Venable, Williams, Noble, Toy, and Wilson, these professors had been underclassmen. And as I would pass them on the campus and think of old college days, a sense of superiority possessed me—I expected them to tip their hats in my august presence!

My headquarters were at the Carolina Inn—a graceful building, of Mount Vernon design, presented to the University by John Sprunt Hill, a constructive alumnus reaching out in every direction to advance the people—not in higher education alone, but in scientific agriculture, in improved livestock, and in acquiring a knowledge of the three R's.

At first my course of study included play writing, the short story, and philosophy. But soon I cut them all out except philosophy, to which I devoted myself. Indeed, I

found I was getting busy, very busy, with the science of thought and with comparative religions. In truth I was in danger of forgetting I had come back to college for the fun of the thing, to amuse myself, to beguile the time, and to ride a hobby. Each day, with notebook under my arm and a well-sharpened pencil in my hand, I would step briskly over to the classroom where scores of students, including Parson Moss, the village favorite, and a dozen men and women from adjoining towns, would be assembled eagerly awaiting the lecture.

Presently Williams, my old college mate, would slowly enter. Then, for an hour, I would sit and listen, as that marvelous antiquated man built up his system of logic, whose foundation was "the intellectual process," leading up to "the absolute" and establishing a basis for "truth"—"Unity in structure difference," he called it. So busy had I now become in the task of doing nothing that I am sure Hamlet, had he been present, would have scowled at Horatio, as he did when the actor was playing, and quizzically inquired:

What's Hecuba to him or he to Hecuba  
That he should weep for her?

The Professor had a mind essentially Germanic: Hegel and Kant were his masters. If he could but put across Hegel's distinctive thought, the necessity of a concept—of a *Begriff*—he would be content. Day in and day out, during an entire term, he would illustrate the *Begriff*, the formation of a concept—the gift of comprehension, by means of which we may reduce, under one ruling idea, all the scattered parts of a subject, by which we may conciliate objections and bring down apparent contradictions to a profound unity. And this, the concept—this, the *Begriff*—would do. The concept works—it never fails.

Truth is always truth. Unite two particles of hydrogen with one of oxygen and we have water.  $H_2O$  is water, al-



From a Portrait by Mary deB. Graves



THE PHILOSOPHER AND HIS PUPIL.



ways water, whether hot or cold. Three times three is nine, always nine. Minus three by minus three is likewise nine, always nine. If you negate the negating process the result is a positive. The multiplication table never lies.

One morning Williams opened his lecture in an abstracted manner. Gazing out of the window, into the faraway sky, he asked, "What is the most important thing about a wheelbarrow?"

"The wheel, Professor," a bright young woman answered.

"Oh, no, not the wheel."

"Then it must be the body, Professor," said another.

"No, no, not the body."

"Well, it can't be the handle?"

"No, not that either. It's the concept of a wheelbarrow. When you get the concept of a wheelbarrow, any carpenter can build it. The thought counts, not mere mechanics."

Thus, for an hour, would the Professor elaborate the thought of a concept and play with it. "The concept," he would say, "it is far more real, far more substantial, than matter, than the bench you are sitting upon or the pencil you hold in your hand. Science changes—the science of today is not the science of my day. The electron is now the unit and has become the father of the atom. The intellectual process does not change. When Euclid made his contribution to mathematics he furnished us something real, with form and life—enduring life."

In another lecture he would explain that anyone in love with truth and endowed with the intellectual process may form a concept. Such person will analyze the subject: reduce it to its component parts. He will then synthesize it; put it together again. We first tear a thing to pieces and we put it back as we found it—we check and double-check. And this is the dialectic method. Here the other side is the spirit of the dialectic.

Few of us are so far developed as to be dialectic. We are

group-minded, we cannot find the aggregate conceptions and reduce them to one ruling idea. We are content to take our thoughts secondhand. We are mere water-boys—we tote the water the masters have dug from the well. Such a one will rise no higher than his church or his political party or his Greek letter fraternity. “I am a Methodist, I am a Democrat, I am a Theosophist,” these words, like a parrot, he will repeat. Few of us pass out of the group—which philosophy calls the particular—and reach the universal. Three stages of the intellectual process may be mentioned, the individual, the particular, the universal. Unto this last level—the level of the universal—the water-boy can never attain!

Would you rise to the universal? Preserve your quality—the thing which you are. Let quality enlarge, let it grow into quantity, but not at the expense of itself. When quality increases and becomes quantity this is a manifestation of the third category called relation. The action and reaction of quality and quantity is relation. First, quality, then quantity, then the relation of the two. A great mystery—a thing growing, enlarging and yet always remaining itself. The grain of wheat dies, and thirty grains—forty grains—spring up. A paradox, this coming of life out of death. The fault of our times is over-emphasis on bigness, loss of quality, mass production.

Now, with this unending advocacy of the absolute dinging my ears, I would run down to Raleigh and visit my old friends, Connor, U. S. Judge, and Hoke, Chief Justice of our Court, succeeding Clark deceased, and discuss social and political problems. Bravely up from the legal ranks Hoke had risen, coming upon the bench at the same time I did. Early in life a trial judge, presiding in a courthouse around which the mob howled for the head of a negro prisoner, entering a judgment contrary to the popular demand, Hoke had uttered a sentence which marked him as a man, and gave him a name. Upon granting the motion to remove the case to an unbiased

county, though the state's attorney declared such order would precipitate a lynching, he had said:

"So be it, Mr. Solicitor. Better, far better, that the prisoner should be lynched by the mob than mobbed by the law."

Hoke would have reached the Supreme Bench earlier, but refused to let his name be used. This conduct was highly honorable. He had arrived at the conclusion that the new amendment, depriving the Negro of the ballot, was unconstitutional, and was unwilling to take part in its judicial sanction. A few years later the amendment was accepted by both parties, and Hoke rose to the highest bench.

On the racial issue Connor likewise occupied a high position and was quite alone among Southern Democrats—he saw no objection to the negroes' voting, in fact he concluded that educated and property-holding negroes, of good character, ought to be encouraged to go to the polls. The adjustment of racial matters he was willing to leave to time. Nor was he afraid of the people nor of workings out of God.

In this conclusion of my old friends I could not entirely concur. I feared that a self-conscious race would be tremendously assertive, and conflicts and riots would inevitably ensue. Both Caucasian and African could not rule at the same time; of necessity one would dominate. This thought I enlarged upon in the Centennial address, which I had recently made at a joint session of the Supreme Court and the state Bar Association. In a word, I had said, too dogmatically, I fear,

"All history teaches that two homogeneous races may not live side by side in the same land, on terms of perfect equality, without one of four contingencies: Amalgamation, expatriation, extermination, or servitude."

Now these thoughts of mine met with scant approval. Southern politicians and editors called them idle dreams. Chief Justice Clark, replying to my address, took sharp issue

with me—he would hold conditions just as they were. But I fear both he and the Governor had missed the point and were what Williams called group-minded. They followed the crowd. The Governor, referring to an article of mine in *Current History*, declared I was wholly wrong. Southern conditions were ideal. There was no better laborer than the Negro, who was made for the South as the South was made for him. By this statement the Governor meant, of course, that George should continue to do the work, and the white man continue to do the bossing! And, strange to relate, these good men—the Governor and the Chief Justice—seemed to imagine that the anomalous situation could permanently endure!

But had they investigated this question, as Jung, the profound Austrian psychologist, has done, they might have changed their opinion. Says Jung, "Since the Negro lives within your cities and even within your home, he also lives within your skin subconsciously. Naturally this works both ways, and just as every Jew has a Christian complex, so every Negro has a white complex and every white a Negro complex."

Was it not a learned negro who recently declared, "The relation of the African race to American affairs is at the foundation of every American statesman since 1820?" And this characterization, as to the South at least I feared, was correct. About 1820 the South became static and lacking in social energy. The democratic current of thought which swept over the civilized world made little impression upon us; we were deaf to outside influences and to progress.

One day I took this vexed question to Brother George, then living in Chapel Hill. He, too, concluded that the matter should be left alone; it would settle itself. The Negro race could not, in his opinion, survive. It would die out. Under Herbert Spencer's theory of the survival of the fittest, it would give place to the Caucasian. "Why," said he, "the



Negro is so disloyal to himself that he is ashamed of his color and his wool; all he makes, he spends on anti-kink to straighten his hair, and in paint and powder to create the impression he is white!"<sup>1</sup>

Williams likewise eluded the issue. One day in the classroom, after I had been under him two years, and was fed up on the concept and the ideal and the absolute, and was in the hot pursuit of truth, not even turning aside from it "to save the life of my own mother," one day, as I was saying, I broke loose and asked this question:

"Professor," I said, "in the domain of truth is not every man the equal of every other man?"

"Undoubtedly," he replied.

"Well, is not the Negro a man?"

"Certainly."

"Why then, is not the Negro entitled to his social, his civil, and his political rights, just as you or I?"

The Professor's answer to this question I failed to get, but I did catch enough to ascertain that he was opposed to social intercourse and race mixing. This concession seemed to me to be an exception to the rule of the "absolute" which he was emphasizing. Indeed in his advocacy of the absolute he was sometimes grotesque, I feared. Beginning his lecture in a dignified manner, he would proceed to say that it took a brave man to stand alone, to stand out against his neighbors, to combat the church, to vote against his political party. It was easier to drift with the tide. But the concept does not come that way, or by juggling the facts, or by falsehood, or half-truths.

"Young gentlemen," he would solemnly ask, "would you tell a lie to save the life of your own mother? No, you would

<sup>1</sup> Undoubtedly Dr. Winston was mistaken in supposing the race would die out. Negroes are increasing almost as rapidly as whites, and though their annual death rate is about eighteen out of a thousand and the whites' but eleven, the Negro birth rate is higher.

not, you would stand for truth as Luther did, though every tile on the housetop were a Devil."

Now all this was fustian, and every mother's son of us knew it. Why, we would have told a dozen lies to save our mothers! And yet the question would raise a great discussion, especially among the younger members. As for myself, it provoked me that so great a man as Williams should weaken his lectures by the use of strained metaphors and overdone illustrations. But, presently, the class would emerge from its temporary let-down and the Professor would resume and declare that the great of earth were they who had great ideals, men who had formed concepts.

"Undoubtedly you will fall short in your conduct," he would say, "but not in your ideals. Only one man has been perfect. Jesus alone stood the test. Jesus was not a group-man. Nor was Socrates, nor Galileo, nor Bruno, nor Philo. But they paid the price—they suffered the penalty."

The matter of aesthetics, however, is beside the point; it suffices to say that Williams, the logician, was still holding my attention, so firmly gripping me that I found myself reappraising values, reclassifying my associates. Actually getting a new line on myself. Was I group-minded, moving along in an aimless fashion? Had I been a ship without a compass? A namby-pamby, as the heroes of fiction we know and love, Colonel Harry Esmond, David Copperfield, Edward Waverley, Ernest Pontifex? Must I admit with Coleridge that, "I have a smack of Hamlet myself, if I may so say?"

These lectures, indeed, were opening my eyes. I was beginning a search for causes—not symptoms. I began to understand why my literary efforts had been half-baked; I had not known what I was driving at. I had failed to think the thing through. I had not made a blue-print of my literary output. I had been shooting in the air. Now I proposed to make a change. I would employ the dialectic method. I would cut out emotionalism. I would not only analyze, I would syn-

thesize. I would not be content with half-truths. The half gods should go, that the gods might appear.

But my questionings did not stop with myself, nor with those I had known. I began to reappraise the South, the Old South—to apply Williams' intellectual process to the land of my birth. Why had the South fallen back in the race of life? What was the cause of Southern decadence? At the formation of the Union she had fair prospects, fairer than other sections—greater wealth, twice the number of sea-going vessels, more liberality, finer culture, a larger population, a more dominating influence in the nation. She furnished most of the presidents and nearly all the great generals. Why, under Heaven, had she slipped down from her high estate? Was it because her leaders were not real leaders? Were they group-men; did they fail to think a thing through; were they lacking in the dialectic? Had the South exorcised free speech? <sup>2</sup>

When the University expelled Professor Hedrick because he voted for Frémont, the abolitionist, was that a group-minded act? When the Grimké sisters were run out of South Carolina because they urged the riddance of slavery, where was the leader to raise his voice in protest? When Dr. Worth was sentenced to jail for two years, because Helper's book was found in his home, where was the Gaston or the Ruffin, or the Johnston to cry Shame! Why had not Southern Whigs asserted themselves, formulated a plank to remove slavery and fought it out along this line with tooth and nail?

<sup>2</sup> Undoubtedly, in the 1830's, the tariff protected the industrial North at the expense of the agricultural South and caused sectional bitterness. But in the '40's the Walker tariff had been enacted. This was a Southern measure, written by Southern men to protect the Southern planter, and with slight changes was the law in 1861, when secession began. Congressman Keitt of South Carolina prepared the bill of grievance of that state against the United States, and enumerated no cause but slavery. Thereupon Senator Hammond of South Carolina urged that the tariff be added to the list. "Why, Senator, you and I wrote those tariff laws. How then can we complain of them?" said Keitt. Hammond yielded the point, of course, and only slavery was included as a justification for secession.

Surely, John Bell, Jubal Early, Badger, Stephens, Clay, Mangum, Pettigru, John Belton O'Neill, to mention only a few, surely these great men could have carried the country upon a platform to relieve the white people of the South from the curse of Negro slavery.

Agitated by these questions, I would go upon Williams' class and seek to get further light upon the intellectual process.

"Professor," I would say, "are there no assumptions in your logic?"

"None," he would solemnly avow. "I have a standing offer of ten dollars to anyone who shall discover any such assumption. Logic needs no postulates—mathematics has no assumptions—truth is truth. The three angles of a triangle always equal two right angles."

"But, Professor," some credulous student would break in, "though three times three equals nine, if the unit had not been one, would not the result have been different? If the integer had been assumed to be two, three times three would not be nine."

In reply the Professor would advise the inquirer to look the matter up, and then would proceed to illustrate the absolute and the infinite, which he claimed were all about us.

"Ten divided by three illustrates the infinite. The process of dividing three into ten is an infinite process: 3.33333 and so on to infinity.  $H_2O$ , water, illustrates the absolute. So with truth, it is absolute and it is infinite."

From a religious point of view the Professor's system was not flawless, but as an aid to clear thinking and in the creation of men—stern, heroic, individualistic—it was. His philosophy students won the debates, wrote the best essays, and, in after life, became leaders. Four of them, at one time, judges of the Supreme Court, one, a judge of the Circuit Court of Appeals—later nominated to the Supreme Bench of the United

States and not confirmed—a mistake of the Senate, in my humble judgment.

Williams used no text-books. The student was expected to take notes and be able to respond, not by repeating what he had heard but in a more original manner. My interest in the subject was such, however, that I supplied myself with numerous treatises on philosophy, and went over the field from Plato to John Dewey. With Everett's provocative *Science of Thought* on my desk, I ranged from idealism to neorealism, not neglecting materialism, institutionalism, and pragmatism—that is, I traced the development of man from matter to life, from life to mind and from mind to God.

As it seemed to me, the hypothesis of God explained the phenomena of the moral world somewhat as the theory of Copernicus and Galileo explained the phenomena of the astral world. If I were to define my belief, in philosophical terminology, I would say I became a teleological, ontological idealist! Which means, in plain English, I believe God exists and the world is purposeful. But I find myself running ahead of my story.

Before I began to buckle down to hard study I had regarded my new venture as a kind of joke. That a man of sixty-odd years, who was a grandfather several times over and a retired judge with an ample estate, should have become one of the boys—3,000 of them—engaging in their sports and amusements, was really quite funny! And I did not fail to tell of it. Before the first year was up my new experiences had been written and forwarded to *Scribner's*. The article was called "A Freshman Again at Sixty."<sup>3</sup>

<sup>3</sup> In the Christmas 1924 number of *Scribner's*. At this time, Norman Foerster, the Humanist, and W. C. Brownell greatly encouraged me—the former at Chapel Hill, the latter at Williamstown, Massachusetts. Mr. and Mrs. Brownell and I spent a delightful summer together at the Williams' Inn. Their criticism of my efforts to write were most helpful. When the gentle critic assured me that Robert Bridges thought well of my "A Freshman Again at Sixty," I took on fresh courage; I felt that my pen might be of some service to my native land.

When in Raleigh, I would call on the new Supreme Justices—five of them, all former practitioners in my court—and give an account of my exploits. And how glad they seemed to see me! Not only on my account, but because of my novel experiences and the fact that I had retired.

“And how is old Horace?” Brogden, the broad-minded humorist of the Bench and a Williams product, would ask.

“Never finer,” I would reply. “Going strong as ever on the antinomy.”

“On what?” friend Clarkson would put in.

“The antinomy, Your Honor, the big idea that ran Kant crazy—that two propositions, though exactly opposite, may both be true!”

“And how does Horace work that out?” Connor, Jr., would insinuate.

“Well, let’s see. Take the world, did it have a beginning? ‘Yes,’ you answer. But, did it have no beginning? And again your answer must be ‘Yes.’ And there you are—a world with a beginning and a world without a beginning!”

I would never meet Justice Brogden, whose early death deprived us of a noble spirit, but he would drolly say, “And, Judge, how is Old Man Antinomy these days!” As to Stacy, the stalwart young Chief Justice, and Will Adams, my old college mate, brave, true and learned, why, the very sight of me set them a-laughing.

“Judge,” I said to Adams one day, “what does the phrase ‘Saddle me the Ass’ imply, to your way of thinking?”

“Why, a prophet astride an ass and dispensing wisdom.”

“So I concluded,” said I. “And that’s precisely what I propose to do, saddle my ass and become a prophet!”

Soon afterwards I lectured before the Shakespeare Club of Oxford and selected as my subject, “Absorbing One’s Limits.” Among other things I inquired if some of the women, just now emancipated and smoking all the cigarettes in the carton and drinking all the liquor in the bottle, were

not absorbing their limits. My address must have made a great hit for I soon received a letter from a visitor at the meeting asking for a copy of my wonderful speech on the woman who had *swallowed* her limits!

On the occasion of an address by me before a smoker of the Carolina and Duke professors, we had quite a time. I told of my exploits and poked fun at the Scopes' trial out in Tennessee. I took occasion also to hold up the hands of my good friend Poteat in his brave fight before the legislature to save the state from a ridiculous anti-evolution bill which was pending, and would have passed but for him and President Chase and numerous alumni of our University. In a word, I pronounced myself a cosmopolite—an apperceptive cosmopolite! This phrase, I never heard the last of—as Louis Graves, in his *Chapel Hill Weekly*, took it up and enlarged upon it.

## CHAPTER XXV

### LEND ME A QUARTER

TOWARDS the end of the last century, while a practicing attorney, I would often deliver addresses before Confederate associations. On one occasion I spoke in the courthouse at Oxford, and discussed the Battle of Gettysburg. And as I came to tell of my uncle's gallantry on the first day, when alone he brought out the flag, and the part my relative, Captain Davis, played on the third day, leading his men beyond the Bloody Angle, and as I called over the names of my kindred, the Rhodes, the Coopers, and the Outlaws, wounded or dead on the field, I was so overcome that I faltered and could not proceed.

In after years I got myself under better control and sought to impress a spirit of brotherly love. Often I related the story of Sergeant Kirkland, at Fredericksburg. The battle was about over, though shot and shell were still whistling through the air, when the gallant young fellow came to his Colonel and asked leave to go out and carry water to the wounded foe, whose cries were heart-rending.

"Why, my dear Sergeant," expostulated the Colonel, "to venture out upon that field means certain death."

"Well, Colonel," replied the brave boy, "if you'll let me I'll take chances."

And out the stripling went, time and again ministering to his very enemies—conduct worthy of a Philip Sydney at the Battle of Zutphen, and which may yet, we pray, stir poetic fire in the breast of some liberal-minded woman to immortalize the kindness of the soldiers on both sides in the great American Conflict.



But such incidents were now seldom mentioned. It was becoming unpopular to dwell upon the chivalrous deeds of the Blue as well as of the Gray. The memorial speaker and the pamphleteer had begun to rake up stories of hatred. They told how "old Abe Lincoln destroyed the principles on which the Union was founded," and how "the Yankees conducted the war as barbarians." They maintained that the "issues of the war were decided wrong and the United States is now a government based upon tyranny and usurpation."<sup>1</sup> Sentiments not lightly spoken, but imbedded in Southern literature, in Southern readers, in Southern histories, and carved into Southern monuments, creating a tradition latent and silent, but irresistible—the very life blood of a people and their mores.

Now, I do not at all maintain that sectional bitterness was making any great impression upon the young people of the South. On one occasion, I may say, I was amused when my bright young daughter got Andrew Jackson and Stonewall Jackson all mixed up! "Daddy," she inquired, "wasn't it Andrew Jackson who was killed at the battle of Chancellorsville?" But such unpatriotic statements were impressing strangers, and were keeping away desirable immigrants, as we shall presently see. A recent article in *Scribner's Magazine* by Howard Mumford Jones, resigning from our faculty to go to a Western university, illustrates the irritation which the over-worked phrase, "damnyankee," though used in fun, produces upon a well-bred person.

But the time was not yet ripe for me to mount my ass and go forth philosopher-like, and set my people right! I must wait. I must tarry at Jericho till my beard grew out! I must be sure of my position. I must not go off at half-cock. Meanwhile I would pursue my studies and bide the time. Nor would I fail to enjoy Chapel Hill.

As years had come and gone, I had begun to acquire the

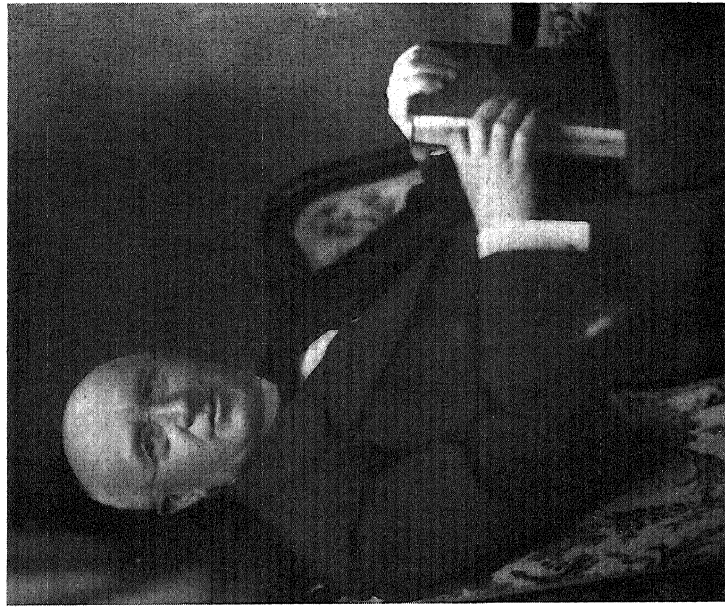
<sup>1</sup>Quotations from pamphlets extensively circulated in 1936.

gift of observation. Nature appealed to me. The sighing of the zephyrs through the pines was a solace. I could catch the faintest "cheep" of the grasshopper sparrow, the sweet ripple of the white throat. An occasional note of the raucous jay was pleasant to my ears. New England people may boast of their hermit-thrush and claim him as the sweetest of singers, with his bell-like note. I had heard this fine bird up at Lake Sunapee and enjoyed its song. Yet my vote was for its cousin, the wood-thrush, with its elusive, melodious note—its voice never cracking as that of the hermit.

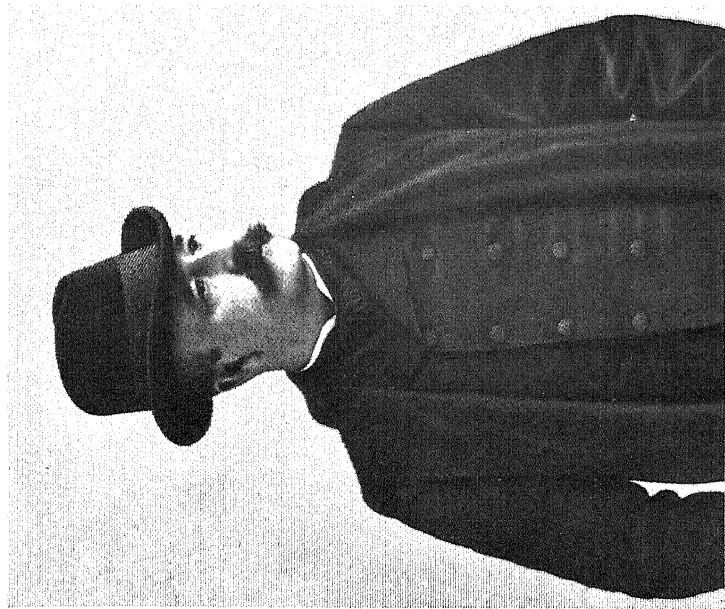
I grew to know the exact day in April when we might expect the thrush to come in from the Far South, and remain till late summer, filling the glens with his silvery notes. Indeed I loved all the birds. The clear whistle of bob-white, the merry, "Laziness will kill you," of the meadow-lark, the joyous, "Cheer-up!" of the cardinal, the ringing call of the brave little Carolina wren, the soft "Blue-blue" of the blue-bird, as it undulated through the air, carrying the sky on its back. I never tired of the birds.

When the finches, gorgeous in black and yellow, and the well-tailored waxwing, in flocks, would dash in, I knew spring was well on its way. The wild canary, as we call this beautiful little creature, has a musical, appealing note, but not so rich, I think, as the song sparrow's "Sweet, sweet, sweet, very merry cheer." There are many who dislike the cooing of Noah's weary dove, but I was all for the dove. In the late afternoons, the slow, mournful "Coo-coo" of this lonesome, elusive bird, off on some faraway hillside, soothed and humbled and cheered and made me one with every living thing.

At this time Brother George was a partial invalid, living in retirement with his son on Rosemary Street, near the college campus. Nearly every afternoon Noble and I—Billy, we called our old chum, a college mate of mine and pupil of Brother's—would go around to visit him, sitting and chatting



BROTHER GEORGE



BROTHER PAT



by the hour, talking of old days in Chapel Hill and the marvelous changes which fifty-odd years had brought about. In 1875 there were less than a hundred students, now there were twice that many teachers. The physical plant had improved just as rapidly, there being twice as many buildings as in our day. But these improvements did not suit Brother's fancy; he disliked the looks of things. As he saw it, the lack of discipline, the inattention of students to their duties and the prevailing dissipation were alarming.

From his sick bed he looked out with the eyes of a worn-out warrior upon a topsy-turvy world. Everyone complaining of poverty, yet everyone whizzing by in Fords and Chevrolets; homes without a soul to care for them; the very recitation rooms filled with tobacco fumes. Cocktail parties, bridge parties, hip-pocket flasks, movies every night, high-priced sports, women emitting tobacco smoke from their nostrils, and Al Smith—Alcohol Smith, Brother called him—actually seeking the nomination for President! How different all this from his day when monitors reported neglect of duty and there were roll calls at classes and compulsory attendance at chapel, and whiskey and tobacco forbidden. Really, as Brother concluded, the clock was set back and Herbert Spencer's rule of the survival of the fittest and the perfectibility of man had been annulled. But just then, Billy Noble would come to the rescue. "Dad burn it, let her rip!" he would say, shrugging his shoulders in the most ridiculous manner.

Sometimes we would amuse ourselves in a contest of memory. Who, for example, could name over the prepositions governing the ablative case—a, ab or abs, absque, de, coram, palam, cum, ex or e, sine, tenus, pro and præ! Once I sprang a new one on Brother, quoting Lord Eldon's motto, so well known to lawyers, *Sat cito si sat bene!* "Sufficiently fast if sufficiently well." He had never heard of it. We were not able to give a literal translation to Newman's comfort-

ing expression, *Orbis terrarum securus judicat*. We did not know whether the phrase was a statement of mankind's ultimate righteousness, or implied that, of necessity, there must be a God. Occasionally, we would quote the original Latin, repeating lines from Horace, Juvenal or Virgil. Often we indulged in the light and frivolous; or in a bit of philosophy: *Coelum non animum mutant, qui trans mare currunt*—"Their sky, but not their spirit, they change, who run to and fro across the sea."

"Doctor," said Billy one day, "who was the best Latin scholar you ever taught?"

"Why, we had no scholars."

"Wasn't Colonel Bingham a Latin scholar?"

"Bingham a scholar! Why, no, he didn't claim to be."

"Nor old man Jim Horner?"

"Of course not; a fine drill master, but no scholar."

"Well, how about yourself, Doctor?"

"Why, I'm no scholar."

"Who then is?"

Here we would have cornered the grand old man, worn with age, with labors for humanity and with kicking against the pricks. But he would finally rally. "Well," he would venture, "Gildersleeve knew Latin, and Alderman knew some Latin, and Aycock could put Latin into pretty fair English. But . . ." he sadly added, "as for me I accomplished little; I was too impatient, too hasty. . . . How poor are they that have not patience!" Always, before our delightful conversations would end, the Doctor would drift back to the cardinal principle of his life—the perfectibility of the human race. No matter how badly off present times might be they were temporary. "Progress, development, is Nature's law," he would say. "And time sets all things right."

In the village of Chapel Hill Brother Frank was a favorite, the older citizens remembering him, calling him by his given name and having a genuine affection for him. Since gradua-

tion in '79 he had not failed to attend a single commencement, nor had he missed a meeting of the Board of Trustees, to which he had belonged for forty years. A wit, a teller of good stories, he was in demand as an after-dinner speaker. As toastmaster, he presided over scores of banquets, and kept the table in a roar with unfailing humor. But for his short defection from the Democratic party and wandering off into the Republican, I am sure he would have reached the ambition of his life and advanced the cause of universal brotherhood.

Upon arrival in the village he and I would go round to see Brother George and talk of our old home and our Bertie kinspeople. Scores of questions Brother would ask about the Albemarle section. What was the name of this cousin, the kinship of that one, where was this house located, whither did that road lead? "Frank," he would ask, as careless-like as if the event had just occurred, "Frank, how many of those Robinson negroes did Father buy?" Then would ensue a learned discussion of the Robinson negroes, and we would drift back to slavery days, cudgeling our memories as to how many of the old darkies we could call by name. The number was seventy-nine, as the list I filed away will show, though, undoubtedly, we had forgotten many of them.

"Did Father ever sell a slave?" I asked my brother.

"Yes, one," he thoughtfully replied. "Lucy Stone's mother—a vindictive, unruly creature. Father was forced to sell her. She kept the plantation in an uproar. And yet when the poor woman was taken away by the slavetrader, such a look came in little Lucy's face, as she saw her mammy the last time, as I can never forget."

Now these old stories greatly moved me. I visualized my three broad-minded, liberal brothers, born and reared in a land of slavery, but educated in a land of free men. Then coming back South, to their old home, a beautiful land, richly endowed by nature, a land they loved and would have

served and built up, not by flattery, not by cajolery, but by constructive criticism, by wise laws and by changing the mores of the people. In a short time I saw these venturesome young fellows gird on their armor and make ready for the fight—a fight for universal popular education, for liberality of thought, for freedom of speech, and, particularly, for freedom of action. I saw them enter the battle and I heard the clash of arms. I then witnessed their overthrow. The eldest, an exile, far from the home he loved. The next oldest, prematurely shattered and bed-ridden. The third, so wounded in the unequal contest he had waged that his career was cut short. And I, I myself? Well, foreseeing the danger, I had escaped a drubbing!

One day I expressed to Brother George the sense of gratitude I felt to the state for what she had done for our family, heaping honors upon us and denying us nothing. The old man, worn-out in serving his fellows, almost a skeleton, and having just enough of this world's goods to live upon, scowled through shaggy eyebrows, and extended his trembling hand. "Lend me a quarter," he growled, "and I'll pay my part of the debt." And as the wounded man lay there, out of sight of the world, I could but think of the stricken monarch of the forest—the unconquerable king of beasts—crawling away back under some friendly boulder to hide, to die, unobserved by rival eyes.

On another occasion, I asked him why he had insisted that I accept the chairmanship of the committee to raise funds to endow the Walter Hines Page School of International Relations. "Were you and Page so close as all that?" I said.

"No," he answered, "we were not."

And then he paused a moment, but presently resumed. "Robert," he went on, "I moved in that matter to start a sentiment of nationality in North Carolina—attachment to the United States—internationally also—the United World, the Brotherhood of Man." Here again there was a pause, and



then he sadly added, "The dear old South, still rustic, still primitive, must needs have heroes to worship—men like William Jennings Bryan. Principles would not do; they are too remote, too abstract. . . . I hoped I might help North Carolina to rise to the height of this great argument."

The sweetest memory I retain of Brother's last days is the visits of the worthy but uneducated people of the village, some poor and humble—sons and grandsons of the virile old men who were his friends while he was President of the University, in the early days. I recall the kinspeople of Mathew McCauley, the honest and well-beloved miller who used to supply our whole-wheat flour, and of John Huskey, the brawny village smith, and those of rough, illiterate Tom Lloyd, the wonderfully successful hosiery-mill owner, a staunch Republican and a friend of Chapel Hill when friends were needed.

Visits from the negroes of the village refreshed my brother. How his worn face would lighten when John Caldwell, ebony-hued illegitimate son of old Wils, our janitor, would come by for a talk, and when John's children would tell of the successes they had made—one of them a trained nurse giving Brother massages.

Only one of the old college servants remained alive, and even he came in after my day. Bill McDade, the link that bound the Old and the New, was now curator of the Graham Memorial, and no one could be prouder of his charge than this humble and faithful black man, with a heart as white as the whitest. One morning I was passing the Memorial building, on my way to a recitation, when I heard Bill's voice in loud protest. Evidently something was going wrong with the building which he served and loved. Late that afternoon I met Bill off for night duty.

"William," said I, "what was all that jowermment about this morning?"

"Well, Mr. Jedge," he replied, "one des new men, what

des put in charge, he comes en tries to move Mr. George Winston's picture from de walls, en I says, says I, 'Naw, sir, not while ole Bill's alive.' Mr. George Winston! Why, man, he's de best friend us po' folks' got. He allus helped us niggers—he didn't give all de haulin' of rock to de rich folks. Naw, sir! He gin everybody a show, 'vidin' hit out. Naw, sir, you shan't do it.' "

"Well, Bill," I said, "what happened?"

"Wha-Wha!" Bill laughed. "Why, boss, I seed de President en he says sezz ee, 'Tell dat ar new man to put dat picture back on de wall, whar it 'longs.' " <sup>2</sup>

On one occasion two old boys called on Brother—June Parker, general counsel of the American Tobacco Company, and Pete Murphy, friend of the University in a dozen legislatures—and there was great fun. Somehow Brother fell to discussing Moses and how he frightened the Israelites into behaving themselves, making reference to a visit which the Lawgiver had made to Jehovah on the mount. Presently the talk came around to the days of the 1880's and '90's.

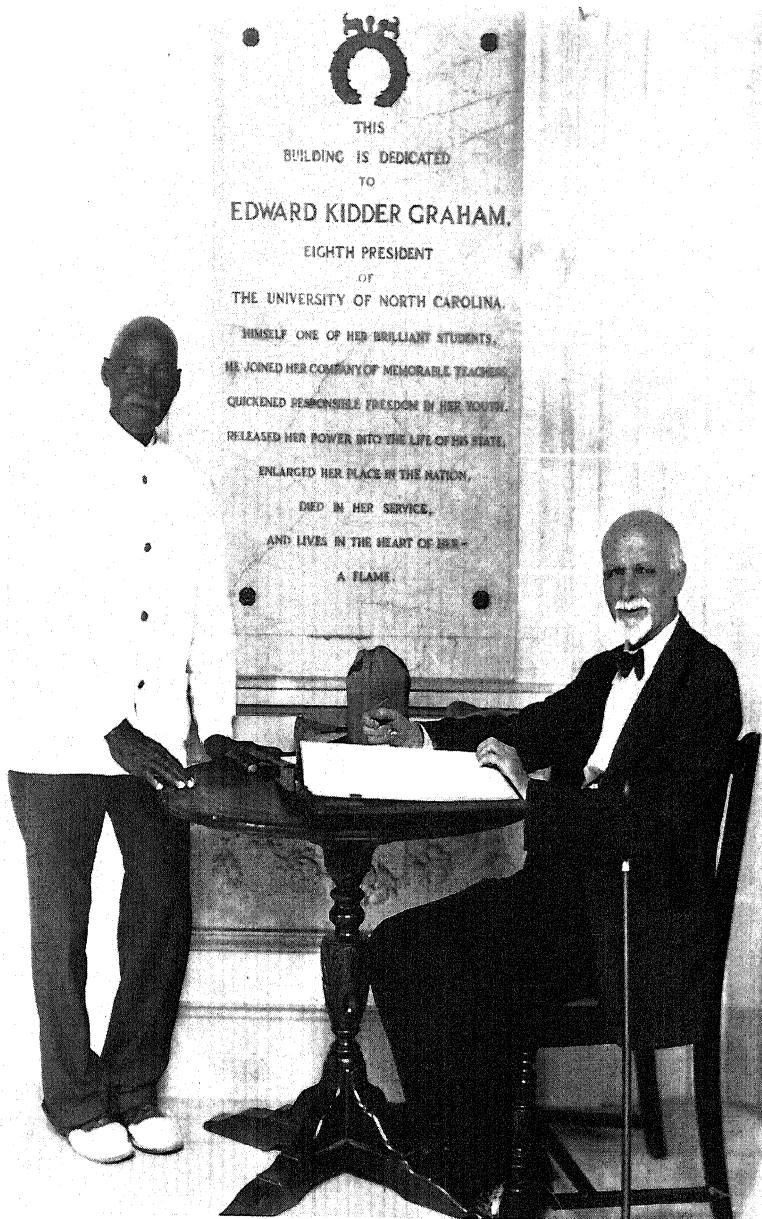
"Doctor," said Pete, with a twinkle in his bright, honest eye, "have you forgotten that midnight when you broke in my room and caught Busbee and Boyden and a few of us engaged in a little game of poker?"

"Yes, Pete, I've forgotten all about it, but I wa'n't surprised at any devilment of yours in those days."

"Well," Pete laughed, "in you came, uninvited. And there were the chips, and the coin, all on the table—in plain sight. And you spoke up and said, 'Shame on you, young gentlemen! What would you think if you were to come in my house and catch me gambling, yes, gambling, with President Battle and Dr. Hooper and Venable?'

"'Why, Professor,' I managed to reply, 'I'd say you'd rake in the pile!'"

<sup>2</sup> The change of paintings was temporary.



BILL MCDADE AND HIS FRIEND



Shortly afterwards I was telling this story to Eubanks, the popular druggist, and he asked if I had ever heard how near Brother George came to being shot. "No," said I, "tell me about it." He then proceeded to tell this story. One dark night President Winston, with a small lantern, trudged out hunting Sykes' moonshine distillery, on the edge of the town—Sykes, a notorious blockader who had debauched the campus for many months. Now as the President was walking around shining his lantern, looking for the still, its owner spied him. Then, as Sykes told it, "I was in ten steps of the man, and I drew a bead on him with my gun, filled with buckshot, and followed him with the barrel for full fifty yards. But my heart failed and I couldn't pull the trigger."

I did not discuss philosophy with Brother, he so much disliked the subject. But we never tired of the Bard of Avon and the Wizard of Romance. *Macbeth*, he considered the greatest of Shakespeare's plays; and I, *Henry IV*; he was wedded to Scott's *Ivanhoe*; and I, to *The Heart of Midlothian*. Brother was fond of full-blooded heroes and had little patience with the flabby, namby-pamby sort. "What character has Shaw created?" he would sneer. "Or Hardy, or Meredith?" He would then declare that no writer was great who had not originated a character. "Who can forget Jack Falstaff, or Shylock, or Wamba, or Jeanie Deans?" he would ask.

I was glad Brother's days were prolonged till Buchan's *Life of Scott* came out. I consider it the best biography of Sir Walter. It is short, but packed full of good things. Evidently the writer was moved to his task by a natural impulse. One thought of Buchan's I passed on to Brother. Scott's heroes and heroines came from humble homes, Scott was not an adulator. He did not bow down before lords and ladies, as has been often charged. How much greater is the humble clansman, Evan Dhu, than Edward Waverley, the aristocratic hero of the novel? How far superior to the fine ladies of

*The Heart of Midlothian* is Jeanie Deans, sister of the unfortunate Effie and devoted daughter of Douce Davie?

In Trevelyan's *Life of Macaulay* it is recorded that on a few occasions the cold, phlegmatic Liberal shed tears, not at the happenings of the day, but while reading Homer's story of the hardships, the sufferings, and the heroism of Achilles and Hector. Now once only did I see Brother's eyes moistened, and I thought of the story of Lord Macaulay. We were discussing Scott that day—my brother and I—and I asked which of his novels he liked best. "*Ivanhoe*," he replied. He then proceeded to tell the story of Wilfred of Ivanhoe, and Rowena, daughter of the Saxon chieftain, and Rebecca, daughter of Isaac, the Jew.

In a tournament the burly knight, Brian de Bois-Guilbert, had been unhorsed by Ivanhoe and the superstitious crowd charged witchcraft and pointed to Rebecca as the witch. "Then," said Brother, "Rebecca was hauled before the Grand Master of the Temple of Zion and asked how she would be tried. 'By wager of battle,' she answered. 'Ah,' said the Grand Master. 'You have no champion.' 'God will raise me up a champion,' said Rebecca. Then came the trial by combat. Thrice the herald repeated, 'Faites vos devoirs pieux Chevaliers!' Forward the champions came, with lances in place, but in the first tilt Brian, the favorite knight, fell from his charger, dead. And such was Rebecca's gratitude and love for Ivanhoe that she could not go near him.

"But," Brother added, "she sought out Rowena and the two women saw each other for the last time. 'Lady Rowena,' said Rebecca, 'I have a request to make before we part, 'Will you not raise your bridal veil and let me gaze once again upon the face that Ivanhoe loves?'"

Here Brother's voice faltered, his eyes moistened. Turning, he said, "Robert, never before have you seen me play the woman. . . . Oh, it was not the love-scene I was thinking of. It was our old home, Windsor Castle, and dear old

Father, who spent himself for us, and our tender Mother, and the long, long years between, and what we have tried to do and have not done. . . . My life is writ in water."

It was now late afternoon. The shadows were lengthening. Through the open window I could hear the notes of a brown thrush, sitting up in a tree. I rose to go. Brother stopped me. "Robert," he said, in a careless way, having regained his composure, "I am growing weaker, and when I die I wish to be burned."

"All right," I cheerfully replied. "We'll burn you to a crackling."

"No foolishness now. That's my request."

"It's a bargain," said I. "But why not a decent, Christian burial, like the rest of us?"

"Oh, the Devil," he snorted. "Think of having to select the honorary pallbearers!"

As I went out in the open and passed over the lawn, I could hear the merry laughter of Brother's little grandson, Patrick Henry Winston V, as he kicked the football and played with the neighboring boys. On my way to my rooms I walked across the arboretum—so quiet, so restful. A robin, upon a limb, was trying to sing, but his crop was so full of worms he could merely grunt; flocks of goldfinch, just in from the Far South, were chattering and twittering, and getting their suppers. Upon reaching the Inn, I took down Mabie's *Shakespeare*, and read of the four stages of the great poet's life: early apprenticeship; joyousness and contact with the world; then tragedy; and, lastly, meditation and reconciliation. "And that," said I, "must be my end—meditation and reconciliation."

In a few days, Dr. Winston had passed into the Silent Land, peacefully and without a tremor. His body was cremated, just as he had requested, and his favorite nephews, Captain Robert W. Winston, Jr., and Captain Frank S. Spruill, Jr.—World War veterans both—took charge of the

urn and laid the ashes to rest by the side of his wife, at Asheville, in the Land of the Sky. We had not been put to the trouble of selecting honorary pallbearers! <sup>3</sup>

<sup>3</sup> George Tayloe Winston, LL.D., was president of the State Teachers Association; fifth president of the University of North Carolina; first president of the University of Texas; second president of State College, Raleigh.



## CHAPTER XXVI

### WHO SHALL BELL THE CAT!

LONG since it must have become apparent that my little scheme to retire from business and lead a life of rest and quietness had vanished. Each day I was working as many hours as when on the bench. If I would be of service to the South my knowledge of her handicaps must be adequate. No retarding element should be overlooked. Not only must facts be collected, but conclusions drawn. And this task was not an easy one. Generalizations, like a forward pass, are complete and helpful or incomplete and hurtful. I was striving for a completed pass—dealing with causes, not symptoms.

I had concluded that before the war slavery was the undoing of the South, and since then the Negro and sectionalism continued fatal drawbacks. I had also ventured to suggest a solution of the perplexing Negro problem based on the well-known fact that the race is useful in inverse proportion to density and, therefore, should scatter—leave the South and cease to congregate in congested masses.

Nor had this fad of mine proven wholly abortive. Negroes in great numbers had gone away and settled in the North, the East, and the West. Whereas, a few years before, more than half of all negroes lived in the South Atlantic states, today less than thirty-five per cent are in that region. One-seventh of the negroes have left the South since I and others began to point out the desirability of migrations. The city of New York is illustrative. Today, New York is the largest Negro city in the entire world.

It had been a score of years since I rashly ventured to predict that the end of the race issue would be amalgamation,

expatriation, extermination, or servitude, and had added that two homogeneous races could not live side by side on terms of perfect equality without becoming amalgamated.

The years between had confirmed my conclusion, and the trend was now either towards servitude or in the opposite direction. In the Black Belt the negroes' pathway was thorny, but in the Border States it was less rocky. Let a "bad nigger" show up in the Valley of the Mississippi and become unruly, and he is put to death, without disturbing court or jury. In the Border States, on the other hand, educated negroes are becoming self-assertive. Backed by lawyers and funds of various societies they are asking the courts to over-rule Grandfather Constitutions, Jim Crow Laws, and all other impediments to absolute racial equality. In Tennessee and in North Carolina there is litigation by young negroes who seek admittance into state universities.

"Oh, that every black man were a white man," lamented President Monroe, speaking for the American Colonization Society. To this sentiment I had added, "Would that I could let the Negro issue drift along and settle itself." But this I could not then do. The Negro had advanced too far for cajolery. Platitudes had played out. Henry W. Grady's speech electrifying the North had served its purpose—a positive step must be taken. America was at the crossroads. Either the Negro was a citizen or he was not. Gone were the days of the old Aunt Harriets and the old Uncle Bens.

I will no further dwell upon the friction of an alien race, but will pass to sectionalism—a subject I had always dreaded and approached with fear and trembling. I felt, indeed, that I was treading on sacred ground, and should take the shoes from off my feet. Before tackling the delicate question, therefore, I had made a somewhat wider sweep. I had dived deeper than mere lectures and addresses and pamphlets. These were totally inadequate. A broader foundation was necessary. Volumes—volumes dealing with causes and with

the results of bad leadership—were indispensable. Accordingly, I had gone to work writing and publishing books—several of them. My first study related to a stubborn, misunderstood individual, a man devoted to the Union and the Constitution, one whose principles would have allayed sectionalism, prevented war and created a prosperous South: in *Andrew Johnson: Plebeian and Patriot* I laid bare the folly, if not the crime, of secession leadership.

After a while I brought out another biography, the life of Jefferson Davis, *High Stakes and Hair Trigger*. As Johnson is a type of the Union Democrat, so Davis is the type of the hothead—a man who played for high stakes, and would carry his slaves into the territories or pull the trigger of his gun against all who opposed.

My third effort was a life of General Lee. A psychological approach, a study in ultimates. In Lee I had discovered an unusual personage, one after whom my own life was modeled, and with whose social and political principles I was in thorough accord. Surrendering in good faith, putting aside Civil War bitterness, refusing to join a Gettysburg association, insisting that America should imitate those nations which obliterated memories of internal strife, the only great soldier so childlike as to accept at par the decrees of Providence, in a word the one man among millions unwilling to play fast and loose with God—such was Robert E. Lee.

I will not comment on these studies except to repeat that they were praised to the sky or condemned to the limit. There was no half-way ground. I was wholly right or wholly wrong, according as the reviewers regarded secession a blessing or a curse.

After I had written these volumes, I again took a breathing spell. My winters were spent at Southern Pines, or at Charleston, Camden, and Aiken, or in Florida. The summer season found me in Asheville and other sections of the Blue Ridge, where frost might be expected every month in the

year. But, in the fall and spring, Chapel Hill and Durham—the home of my daughters, “where my washing was done,” entitling me to the privilege of voting—were my abiding places.

Very happy interludes in a life of vagabondage would be informal talks to clubs and other organizations, some political, some social, and some literary. From the Everglades to the Green Mountains I spread the gospel of Southern opportunities and Southern mistakes—speaking no word in Massachusetts that I did not utter in South Carolina. At Asheville I addressed the Pen and Plate Club, perhaps the most select group of its kind in our land. Meredith’s allegory—*The Shaving of Shagpat*—was my subject: the harmfulness of superstition, race prejudice and sectional feeling. I inquired if we people of the South had a Shagpat who dominated our actions and controlled our thoughts. If so, should we not shave the old impostor and get rid of hindrances which were holding us back in the race of life?

After I had reminded the club of the main points of the allegory, I paused and asked this question. “Is there,” said I, “in our midst tonight, sitting around this banquet table, is there one of us who is not ruled by prejudice? Are we not one and all worshipers of Shagpat? Civil War memories, fear of Negro domination, can we rid ourselves of these obsessions? Dare you, dare I, oppose public opinion? The answer must be a negative: Much of the South today is where it was a hundred years ago—static, like a painted ship on a painted ocean.”

Now this was too much for one of our banqueteers, Theodore F. Davidson. Rising to reply, the General remarked that he had thought Baron Munchausen dead, but he was mistaken. The Baron was not dead, he was alive and had just taken his seat! He then entered into the stock argument that the South is absolutely free and had always been free, and

further, the civilization of the South is ideal. "Why," said he, "in the old days our slaves were much better off than the factory hands of New England." I was pleased when Colonel Joseph Hyde Pratt, a man of extensive knowledge of Southern conditions, replied to the General. The Colonel declared that he agreed with the speaker of the evening. "Sir," said he, "give me a White South and in twenty-five years I will show you a garden spot."

On one occasion I spoke before the students in the University chapel—three thousand ardent youngsters—and chose as my subject the Problem of the Particular. I urged the young men to transcend themselves, to rise above the group, to attain unto the universal.

"Boys," I exclaimed, "great issues confront us. The human family is tossing about like the waves of an angry sea. Labor is in arms against capital. The New Deal idea is spreading to the remotest corners of the world. Socialism may be our portion. But—right or wrong—hit or miss—we of the South have no part in this contest. We sit on the sidelines and watch the game. We say, but do not. Before election day we may talk, and bluster, and threaten, and swear the party lash shall no longer control, but in November we march up to the polls, like little tin soldiers, and vote as we are told to vote.

"Indeed, our mildness when depositing our ballot, in contrast to our bluster during the campaign, reminds me of a little fice, named Ida, I once owned. A fence stood between Ida and a fierce-looking bulldog which often trotted along, and she would dash out and jump against the barrier as if she needed but a chance to eat the big dog alive. But presently Ida would come to the wide-open gate, which she would blithely ignore and continue her assault from a place of safety. . . .

"Now, boys, let me make a confession. I am just as cowardly as my little dog. Many a time I have sworn to scratch

the Democratic ticket, but I never did. Before election I am as bold as a lion, on election day I am Mary's little lamb! Or, to change the figure, I remind myself of the young robin in its nest—my mouth wide open, ready to swallow anything which Mother Robin may choose to drop in, be it a juicy worm or a chew of tobacco! . . . No, young gentlemen, I have never voted anything but the Democratic ticket, and so long as present conditions remain I never expect to.<sup>1</sup>

"The votes of the Southern states in the Electoral College are one-third the entire number. And every one of them is cast before the polls are opened. We Southerners do not reflect, or act independently. We dare not. A situation which reminds me of a story which we often used on the stump and applied to the Negro in his allegiance to the Republican party. Once upon a time the beasts met in conference and the question arose as to the manner of conducting the balloting. The dog moved that the method be by the raising of tails. 'I object!' screamed the monkey. 'The goat has the advantage, he has already voted!' And so it is with the South, she has already voted."

At this period of my life, I likewise amused myself writing a play, a ridiculous skit called *Penelope's Web*. The title explains the contents. Penelope, the supposed widow of the supposedly slain Ulysses, had promised her suitors that she would marry one of them just as soon as she finished knitting the web she held in her hand. This was a safe promise, because Penelope unraveled each night all she had knit during

<sup>1</sup> I do not pretend to know how the South would vote if given a chance, but I do maintain that the South should be given a chance. Life is too varied, too stimulating and far too full of promise for Southerners not to have a part in its development. In the national elections we should participate. We should be able to divide and each and every one vote his convictions. Barriers to freedom should be removed. A storm-tossed world stands in need of a land which boasts a Washington. Fetters should be broken from our limbs. Southern leaders should not be forced to row one way and look another. Carter Glass, W. W. Ball, Newton Baker, should be set free.

the day. And so it is with the South. Some Southerners are building up, while others are tearing down.

Chambers of Commerce, Rotary clubs, and Kiwanians are moving heaven and earth—building hard-surface roads, erecting winter resorts, constructing school houses, all this to bring in desirable settlers. But Civil War societies are just as busy undoing this work, creating such an atmosphere of sectionalism that practically no Northern families come down. We have many tourists, we have winter visitors, but we have no permanent residents, no citizens to help us pay taxes and bear the enormous overhead which we have imposed upon ourselves in the race of life.

Occasionally I came before women's clubs, where I likewise spoke on the Sins of the Fathers. Sometimes I quoted from Hegel's *Logic*; the absurdity of slavery in a land devoted to liberty. Hegel had said that slavery is the antithesis of liberty and when the Declaration of Independence declared all men were born free and equal that statement put an end to slavery. "Now," I would ask, "how did Calhoun and other worshipers of slavery get around this argument? Why, easy enough. They joined Dr. Nott, and insisted that the Negro was not human!

"Upon this slender and slippery foundation," said I, "our old civilization rested. Nor is Southern civilization today standing on firmer legs. My friends," I would say, "do not misunderstand me. I may have criticized the institution of slavery, but I do not blame the slave-holding class. From personal experience I bear testimony that my own father and other slave-holders, whom I knew, were humane men, just as humane as the institution permitted. Not the slave-holder but the system, I denounce—an institution inherited from unwise ancestors, and even to this day controlling Southern thought."

A humorous exhibition of the tyranny of public opinion I

once witnessed at Wytheville, Virginia, where I was spending the summer. Three or four gentlemen—learned and experienced they were—were denouncing those Southerners who had joined the Republican party, that is, “gone over to the Yankees.” They were specially severe upon their fellow townsman, General, and afterwards Congressman, Walker, who had been a Republican. They questioned his loyalty to the Confederacy, and resented the suggestion that he commanded the Stonewall Brigade after Chancellorsville. “Yes, by God,” said one of them, “and I always felt Longstreet threw the Battle of Gettysburg, and when he joined the radicals I knew it.”

On all sides I discovered a latent, underlying feeling of sectionalism. There was constant evidence of the retarding influence of Civil War organizations. Through their activity, as I knew, history in the Far South was being rewritten and text-books removed from schools unless they taught that the Union had been wrong and the Confederacy had been right.

But how was I to get an audience, how might I spread the doctrine which I considered vital to my native land? At first, I thought of addressing the Southern Society of New York. To that end I wrote my good friend Junius Parker and outlined my plans. He replied that the society would doubtless be glad to hear me but of late years the speeches before it had been local and were not printed. About this time an invitation came to address the state Bar Association. The opportunity seemed providential and I gladly embraced it.

Carefully I went to work assembling facts and co-ordinating ideas for my Quixotic undertaking. The result was a paper of eight or ten thousand words, “A Garland for Ashes: An Aspiration for the South.”

In the very beginning I warned my hearers not to expect a discussion of the issues of the day. Neither the Co-opera-



tive Movement nor the New Deal nor Social Security nor the Russian experiment nor labor and capital would I mention. I then asked this question, "Why discuss these matters, why waste time doing a vain thing? As you know, as everyone knows, there are but two ultimate issues with us—two perennial, overshadowing issues—the Negro and the Civil War. At the lick-log, all else is academic, collateral, inconsequential.

"Therefore," said I, "I give due warning that your attention will be invited, not to the stirring issues now turning the world upside down, but to handicaps which prevent the South from even tackling those issues."

When I had depicted the evils of slavery and had ventured the conclusion that from 1830 to 1860 the dominant party in the South did not contain a handful of farsighted leaders and had insisted that this was a contributing cause which even now was deterring desirable immigration, throttling industry and driving away ambitious, enterprising young men, I came to the second part of my address, the hurt of sectionalism, the retarding influence of Civil War societies. Nor did I mince matters. I inquired if a self-respecting Northern family would be willing to select a home amidst a hostile people. I then answered this question. I asserted that neither man nor woman would voluntarily live in a community which belittles them and their ancestors, adopts text-books so bitter, and so full of hysteria, as to suggest that the Civil War is still going on.

I quote one of my opening paragraphs. "Before we can even be in a position to begin to think or to plan," said I, "we must first remove those prejudices which deter free thought, free speech and independent action." In conclusion I became dogmatic again and made certain specific recommendations.

I insisted (1) that white immigration be invited; (2) that

the black man be encouraged to disperse; (3) that mob-law and sectional bitterness be eradicated; (4) that Civil War societies North and South be requested to disband.

Just here I may pause to make a confession. My utter amazement at the patience—the forbearance—of those who heard me. Though I had been frank beyond words, though I had uttered sentiments never before expressed in America, though I had implored organizations of women, in the name of God, to disband, no one interrupted me. No one showed the least disrespect. On the contrary I was generously applauded. When I bade the audience farewell, and with up-raised hands solemnly and affectionately said, “Men of Carolina and the South, my task is done. My message delivered. An old man—full of years if not of wisdom—would put a new song in your mouth, would offer unto you a garland for ashes, the oil of joy for mourning. My native land, good night!” the presiding officer shook me warmly by the hand.

I had spoken in the auditorium of Duke University, and the occasion was a memorable one—an assembly of culture and refinement. And nature never more beautiful than on that night in June. The following morning, Fonville, Chief Justice of Iowa, addressed the lawyers. The distinguished Judge declared—all too flatteringly of course—that the message of the night before was the most important Southern utterance since Henry Grady’s day. Though he had come two thousand miles for the meeting he would have gone four thousand rather than have missed it.

Shortly afterwards I was at a Race Conference, high up in the Blue Ridge mountains, when a learned Southern historian approached. “Judge,” he said, exhibiting a copy of my address, “I agree with you in the main, but not throughout.” He then wrote on a bit of paper his conception of Southern civilization, (I) Before the Civil War, (II) Since the Civil War, (III) At the present hour:



AN AMERICAN ENIGMA



- I. Slavery—Delusion
- II. Sorrow—Illusion
- III. Actuality—Facing Facts

"Now in a few years," he concluded, "there will be no Solid South. No illusion, no delusion, no sorrow. Our young people will cast out these evils—they are in earnest-facing facts and—"

"Excellent, Doctor," I interrupted. "Excellent! But what will these young people do with the race question?"

"Oh, that I don't know!"

"Do you agree with the Professor in his morning talk, that the end will be a mulatto race?"

"Alas! What a calamity!"

Sometime afterwards I related this conversation to the historian's son—Doctor of Philosophy, and a learned, well-traveled, well-poised sociologist. He listened patiently and then quietly remarked, "In this matter Father is all wrong; not only will the Negro be absorbed but there is no valid objection to amalgamation. No race is superior to another. It's all a matter of prejudice. Here I, a Caucasian, am a dark-skinned man and my wife is very light. There is greater difference in our colors than there is between me and many a colored person." A sentiment, as I have discovered, which dominates the sociological department of every liberal school of thought, North or South. None but the liberal deserve the laurel! <sup>2</sup>

<sup>2</sup> The curious reader, if so minded, may discover a few notes on this vexed chapter at the end of this book—pages 376-381.

## CHAPTER XXVII

### RECONCILIATION

IT was several months after my "Garland for Ashes" speech before its significance leaked out, addresses of that kind being usually dry-as-dust and without news value. But when certain Confederate organizations, and other critics who were like-minded, awoke to the sheer audacity of the thing they fell afoul of me. "He is seeing ghosts," wrote one editor. Others dwelt upon my lucubrations. They dubbed me a traitor to the South. Ashe, the North Carolina historian, was greatly concerned lest I had become an admirer of Abraham Lincoln.

It remained for the brilliant young editor of the *News and Observer* to put on the finishing touches. Jonathan Daniels, son of Josephus, published the address without comment. But his headlines simply screamed: "*Not that the Confederacy is dead but that it hasn't had a decent burial!*"

The Columbus, Georgia, *Ledger* was sure I was guilty of great exaggeration. The South was absolutely free. No change was necessary. Now a friend sent me a copy of the paper, and I wrote a letter of thanks, and asked the editor if he would not be kind enough to answer a few questions—

(1) Do you favor the Negro voting and holding office in Columbus?

(2) If not should we hold to the Negro and yet deprive him of those privileges?

(3) What solution of the Negro problem do you offer?

(4) Do you think our school history should suppress facts, for example, teach that the Yankees burned Columbia but we did not burn Chambersburg?

(5) Did you know that Georgia was no longer the Empire State of the South, having fallen in the race of progress?

(6) How many citizens has Georgia lost since 1865?

(7) May a reputable native Georgian vote against the white man's party without losing self-respect, and is that condition desirable?

(8) Did you, Mr. Editor, ever bolt the white man's party, that is, vote for a candidate or a measure opposed by it? If so name man and measure.

(9) Can a state controlled by one political party, absolutely, develop and prosper?

(10) Do you favor lynching?

(11) Is it possible to stop lynching in Georgia so long as there is a vast Negro population?

(12) Has Georgia suffered in the eyes of the world because of lynching?

(13) How do you suggest that the stale-mate in Georgia politics be put an end to?

(14) In your criticism of my address you ask what impression will it make on the North. Is that the criterion or should you have inquired what is the truth of the matter?

In reply to these questions the Editor declared I had no appreciable understanding of the South, my idea of dispersing the Negro was ridiculous. The South is the best place for him. "There is no solution of the Negro problem, and no stale-mate in Georgia." The seven most important inquiries were unanswered, to-wit, 1, 5, 6, 7, 8, 11, 12.

Now this oration had given occasion to such critics as maintain that the national government is a tyrant because it conquered sovereign states, to go back and assail my writings all along the line. My *Johnson* and my *Davis*, composed to allay bitterness, aroused bitterness. Civil War societies were so highly indignant that they put my *Lee* on the Index. But I am sure the critics failed to teach my soul to hate. Perhaps my equanimity was possible because of praise from Sir Hubert, of precious messages from editors of the broad, liberal

press from Boston to Dallas. From William Allen White, John Hays Hammond, Isabel Paterson, as well as from Ellen Glasgow, Joseph Blount Cheshire, W. E. Dodd, Edwin Mims, John Bassett Moore, Julia Peterkin, Archibald Rutledge. "I wish I could have heard you," Rutledge wrote. "Your brave, wholesome message has been filed away among my most precious treasures."

I did not often reply to the attacks upon my efforts to serve the South, but on one occasion I broke my rule. I had received a communication from a lady in Virginia—Miss Smith we will call her—an official high up in a Confederate organization. In much indignation she had written, classing me among the traitors to the South and calling my "Garland for Ashes" address a mere spiel. "I am enclosing a tribute to your patron saint, Old Abe," she wrote. This tribute I found in her letter, together with numerous pamphlets and circulars engendering sectional strife.

This epistle had been received just before Christmas and, on the night of December 24th, I sat down and made reply. "Nearly two thousand years ago, this blessed night," I wrote, "the Prince of Peace was born, the Star of Bethlehem began to spread its effulgence, hate gave place to love, a new era began. Across the sky was blazoned, 'Peace on earth, good will to men.' Then, in the lives of saints and martyrs, there came a conviction that, though we speak 'with the tongues of men and angels and have not love, we are nothing worth.' But we must go further than love, we must forgive. 'For I say unto you, forgive your enemies, love them that hate you and despitefully use you.'

"How far from the Prince of Peace, my dear lady, are the sentiments contained in the pamphlets which you kindly sent me. I quote a few lines. 'So Mr. Lincoln stands in history as one who did more evil than any man known to the world.' Again, 'Lincoln was a tricky politician, a vulgar, dirty talker. He conducted this war as a barbarian, he was low-minded, of



unclean life, an unbeliever in God.' In the light of these bitter words, and of many recent occurrences, North and South, I maintain that, from a Christian point of view, the Grand Army of the Republic should disband, and so should the United Daughters of the Confederacy. They have outlived their usefulness. And if ethically they are hurtful, how much more so industrially. How greatly are they retarding Southern progress!

"No, dear Miss Smith, a descendant of King Carter, a kinswoman of Robert E. Lee, for such I assume you to be, has no place in the camp of Calhoun and Jefferson Davis. Her place is with her Whig and Union ancestors. Pardon this letter. It is Christmas Eve—in the adjoining room I hear little children. They are singing, 'While Shepherds Watch.' Believe me to be yours faithfully."

Now in depicting these wild, impossible, Quixotic contests of mine I have often quoted Holy Writ, and yet I was not consciously supported by any Higher Power. In theory I may be religious, but not in practice. That God exists I am quite sure, but I have no realizing sense of His presence. God is distant—prayer gives little comfort. Yet at the end of a long life I trust the Messiah will come. He who was announced by the shepherds and who is to inaugurate a new history in the epoch of humanity must appear. Hope maketh not ashamed. "In our modern Babylon and in the huts of our mountains are too many souls that mysteriously sing the hymn of the great vigil, *Rorate, coeli, desuper, et nubes pluant Justum*: 'Heavens, drop down your dew, and let the clouds rain down the Just.'"

Despite this faith, my religion is intuitive, and somewhat as that of my boyhood chum, Brown's. "Judge," I once said to that great legal mind, "how do you reason out your religion?" "I don't," he answered. "I sucked it in with my mother's milk."

Sometimes, as I hear a group of simple-minded, Christian

negroes croon and chant the comforting words, 'Steal Away to Jesus' or 'Down by the Riverside,' my eyes grow dim. I may even be able to follow Newman and say that were I to look out upon the orderly world and not see God I would be as much puzzled as if I were to look into the mirror and not see my own image. But further than this I cannot go. My faith is not vital—not buoyant.

In the extreme moment I am sure I will be unable to exclaim with Browning,

I would hate that death bandaged my eyes and forebore,  
And bade me creep past.

Nor, as I depart hence, will I lift heavenward my hands, as did St. Francis, and call aloud, "Welcome, Sister Death!" to the song of the larks gathered to waft him above. And yet my very failures may have stimulated me and,

What I aspired to be  
And was not comforts me.

Undoubtedly, I have expected too much. Perfection is not for mortals. No one but a fool—in the eyes of the world—has ever yet gone in quest of the Holy Grail. When St. Francis approached Innocent III he claimed no privilege of any sort but only that the Pope would approve of his undertaking to lead a life of absolute conformity to the precepts of the Gospel. But St. Francis was a fool!

It was a pious Spanish professor of Greek, Unamuno, who made the obvious discovery that the very best fleshly manifestation of the Christ is the Knight of La Mancha—Don Quixote, the fool, a laughing stock to millions.

When Jean-Christophe was nearing his journey's end, as Romain Rolland beautifully sings, he lay bound in a sort of overwhelming beatitude. Souls that had met him on the way, brothers who for a moment had held out their hands to him,

mysterious spirits sprung from the mind: these surrounded and watched over him. He heard the music of their voice. "Blessed be destiny that has given you to me," he exclaimed. "I am rich, I am rich. My heart is full."

Then, the saint's brain dying said to itself, "Lord, art thou not displeased with thy servant? I have done so little. I could do no more. I have struggled, I have suffered, I have erred, I have created. Let me draw breath in 'Thy Father's arms.' Some day I shall be born again for a new fight."

And as this saintly one, weary with labor, reached the other shore, he said to the Child, frail and heavy upon his shoulder, "Child, who art thou?" And the Child answered, "I am the day soon to be born."

Returning from this rather intimate picture of my excursion into the realm of the mystical I now proceed to record that one phase of life, since quitting business and putting an end to money-getting, had given me real satisfaction. I had not cherished a single regret; I had looked straight ahead. Not backward but forward. When Lot's wife gazed over her shoulder and sighed for the fleshpots, she was very properly changed into a pillar of salt. I was in no danger of that. Though I might have recalled flush days when money was flowing my way, I had no desire to do so.

There had been a time when a mere word to my partner in New York brought a million dollars, which purchased bonds at par, and saved the state's credit and avoided a special session of the legislature, already called by the Governor. But my thoughts were not now turned in the direction of business; other matters engrossed me. I was as dissociated from my former self as if I had passed through the transmigratory process of Pythagoras. Though I had not reformed the world I had reformed myself. I was a new person. Not manifested by joining some strange and popular cult—not in that ostentatious way. In quietness and in confidence, I had found strength.

Several years had been required to make the change, the process having been gradual as all nature processes are. First the blade, then the ear, then the full corn in the ear. If I were called upon to describe the transformation I might fail in the attempt. Undoubtedly, the personal equation counted—I myself, I the individual, was a prime factor. To grow, to become liberal, one must possess an open mind. He must be apperceptive. Nor do I know of anything more conducive to breadth of vision and tolerance of other people's opinions than a study of such subjects as astronomy and philosophy.

Out under the starry heavens, when I looked up and reflected that Arcturus, so steady and assuring, was once the friend of the patriarch Job and had been gazed at in wonderment by millions long before Job's day, when I considered too that space is everywhere, and time unending, I became an humbled man and asked myself, "Why worry?" After I had completed the course in philosophy I was astounded—or rather, I laughed! I concluded that the master minds, from Anaximander to Lotze, knew just as much (and no more) about life and death, about the beginning and the ending of things, as the babe in its mother's womb or the fish swimming in the ocean. In the presence of life's mysteries, an Einstein is no wiser than an addled-pated Barnaby Rudge!

Brooks Adams, in *Degradation of the Democratic Dogma*, concludes that the downward course of democracy began when evolution was accepted as the sole explanation of man's development from the lowliest origin. "Why bother about family pride or rectitude of conduct, if one's grandfather was a brute?" And yet, according to Adams, evolution is still an unproved hypothesis. The missing link, so eagerly sought after and so confidently expected these fifty years, has not only not been found but is further away than when Darwin disturbed the world with his theory. For, as Adams asserts, the child-foetus and the lemur-foetus (the 'possum) disclose a closer resemblance than that existing between the unborn

child and the orang-outang. And so the humble 'possum may yet put the Darwinian theory of man's development out of business!

No doubt another thought aided in my re-education. I had come to realize that wholeness is the object and end of our created being. "Unit and universe are one," says Emerson. I myself am a part of all that was or is or will ever be. Nor is God less necessary to me than I am to God. An irresistible force binds us together—call it what we may, God or gravity. So that

If sun or moon should doubt,  
They'd immediately go out.

Since my venture into the altruistic field, I was beginning to understand something of the poetical principle, heretofore quite hid from my vision. The *Oxford Lectures on Poetry*, by A. C. Bradley, intrigued me. Shelley's impassioned *Defence of Poetry* haunted my thoughts. Taine's *History of English Literature*, I found the most stimulating work in my field of studies. I was not surprised when I read that one, in a proper frame of mind, may become intoxicated on a beef-steak! I understood why Shelley swooned with terror when he first heard a certain magnificent and dreadful passage of *Christabel* recited, and Pope burst into tears when he reached that passage in the *Iliad*.

Indeed I did not wonder that my poetical and apperceptive-minded friend, Tom Kirkland, down in South Carolina, was unable to bear the strain of reading more than one play of Shakespeare a year. A person must not presume too much on his powers of endurance. There is such a thing as an excess of emotion. Sometimes, with Coleridge's *Notes on Shakespeare* lying open before me, I would turn over the pages and dream away the hours. As Coleridge interprets Hamlet he was prospective, a man of ideas, and therefore despised Polonius, a man of maxims, living in the past and,

like a Cyclops, having but one eye and that one placed in the back of his head. Again, says Coleridge, Hamlet is brave, sapient, no fool, yet hesitates because he reflects and has a world within himself. "There must be the coincidence of internal and external action to produce happiness."

In *The Tempest*, as Coleridge discovers, Shakespeare sports good-naturedly with the mob, as with an irrational animal—never angry with it, but hugely content with holding up its absurdities to its face.

During leisure moments, I often had thoughts of my philosophy professor, and always with a sense of gratitude. He it was who had put me on to the dialectic process—he had taught me how to think. And yet I saw, more clearly than ever, the mistakes he had made. He was not apperceptive, not open-minded. His mind had acted and reacted with one thought till it had ground itself for lack of other material. "There is always something illiberal," says Burke, "on the severer aspects of study until balanced by the influence of social amenities." And this was Williams' sore spot—he had not only neglected but despised the practical bearings of logic.

Since leaving Williams' classes, I had striven to supply the deficiency of his methods. I went over into the domain of the pragmatists—those practical fellows who say, "Try it out and see if it will work." I read with interest William James, and learned something of his "bread-and-butter" philosophy. Aristotle, the first genuine experimenter, was as interesting to me as Plato. Though I could shed tears at the martyrdom of a Bruno, I also stood in awe before a Newman, moving under the authority of God. In my opinion James is a necessary corrective to Royce and Whitehead.

At this time, I made the acquaintance of William McDougall of Duke University and was stimulated by his wholesome view of life and a happy blending of the practical and the ideal. His experiments in psychology seem to me as

necessary as the theories of the idealist. The Doctor and his delightful companion and I often dined together at the Carolina Inn, at Chapel Hill.

The realists had become as interesting as their critics. *Madame Bovary* I considered in a class with *The Abbot* or *The Return of the Native*. Butler's masterpiece, *The Way of All Flesh*, is undoubtedly one of the great novels of the last hundred years. Nor did I shun the *Saucy Stories* of Balzac, nor Hardy's *Tess*, nor the modern dramatists. Ibsen is a not unworthy follower of Shakespeare. Shaw and Barrie and Synge are masters. I read the writings of Rousseau. Voltaire attracted me because of his style, though I condemn some of his methods of attack. They are harmful and devilish.

We are in the world, we are of the world, and we cannot get out of the world, alive. There is nowhere else we can go. We cannot step up to the clerk's desk and say, "See here! Check me out, I am looking for better quarters." There are no other quarters—it's Mother Earth or nothing. Therefore why not make the most of it, why not play the game according to the rules? If someone has discovered a whim or a fancy that amuses and solaces, shall we not thank him rather than curse him?

Perhaps it may be of interest to novices in things literary to set down a few of the books which have aided me in learning to write, and it must not be forgotten that I was sixty-five before I really put pen to paper. First of all then I recommend as a foundation—something on which to build—Everett's *Science of Thought*. The Professor is an apostle of the dialectic—an idealist, a follower of Hegel. After acquiring a knowledge of the dialectic process a writer should seek to build up elegance of style. Though the style is the man, it may be improved. I suggest as a means to this end, Wendell's *English Composition*. This fascinating little treatise

will no doubt stir the reader to go back and acquaint himself with the incomparable Aristotle.

The novice must understand that practice is indispensable. One must write a million words, and throw them in the waste-basket, before he breaks into print. His motto should be, *Nulla dies sine linea*—"Let no day pass without its written record." But he will often encounter writings which are so difficult that he cannot get at their meaning. I therefore recommend as a guide, Hearn's *Interpretations of Literature*. This work, as I have heretofore indicated, is very simple, but is stimulating. Lastly I suggest to the novice that he keep upon his desk Taine's *English Literature* and Greene's *Short History of the English People*. The former unfolds, in the most attractive manner, the story of literature, the latter makes clear the growth and development of the English people.

Not the least of the benefits which came to me from my new experiences was a changed attitude towards my fellows, and though I have spoken of this I will give an example. About this time Josephus Daniels, no longer baiting the Negro, but whose Leftist notions of government had recently agitated me, came to Chapel Hill and addressed the students. I heard him with pleasure though I feared he was encouraging a nigh cut, and a dangerous one, back to temporary prosperity: in a blind loyalty to liberalism and in an enthusiasm to end the depression he was willing to junk the whole concept of private enterprise and political liberty. After his speech, he and I sat and talked of old days, when we were boys together. He said he disliked no man. He liked folks and wished well to all people. The tyranny of certain corporations had angered him and he had fought them. He then told me this story. "When I was a youngster," he related, "I published a village paper at Wilson, N. C., and at once started my fight against selfishness and greed in high places. Pretty soon General Ransom came over and spoke. I re-



ported his speech, and interviewed him. Said he to me, 'Daniels, my son, I see you are antagonizing the leading men of your town. Don't do it! I tried that once, it doesn't pay.' 'Thank you, General,' I replied, 'but that is the pattern of my life and I cannot change it.' "

This interview profoundly moved me. I felt that my old friend was also beginning to see the light and might possibly translate blind, partisan zeal into useful channels. And in this event, I knew, he would cease to obstruct Southern progress. Who knows indeed but, some day, he and I may stand, shoulder to shoulder, upon a platform of equal justice to every man of whatever color, creed or condition—be he rich or be he poor?

## CHAPTER XXVIII

### OVERHEAD, THE STARS

ONCE again came April days—with birds and flowers—to find me back in my old quarters in the village of Chapel Hill. A dozen years had come and gone since I closed my office doors and set out upon a wild goose chase, first to find happiness in a life of leisure and idleness and, failing in this, to reform the world. The collapse of my three brothers, in their efforts to change Southern thought and customs, had not deterred me.

Blithely, I had gone forward attacking the windmills of prejudice, sectionalism, and racial bitterness. Don Quixote himself not more dead-in-earnest! And again I asked what had I accomplished, what did any reformer ever reform? What change in the current of civilization has any one individual been able to cut? Was not Brother George correct in saying that collectively the human family is everything; the individual, nothing? The exploits of a Caesar or a Napoleon, how they flatter our vanity! And yet these worthies merely registered the progress of civilization, they were but hands on the clock of time. Had there never been a Cromwell, or a Washington, what difference would it have made?

It was Pascal who propounded the query, "What would have happened to the world had Cleopatra's nose been a little shorter?" "Nothing," answers John Buchan, "as Egypt was the granary of the world and the object of Roman conquest."

The fiercest and most relentless animals are human beings. Other creatures employ the time laying up food for the barren winter season, man busies himself inventing gases and guns with which to make his fellows bite the dust. There is

a story that, once upon a time, the beasts and birds engaged in a warfare for supremacy, but that conflict took place in the distant past.

On the contrary, mankind seems to have become more savage, especially those who are of the Saxon race. Our ancestors were pirates, cold-blooded, with fierce blue eyes; were carnivorous, war-like, the aim of whose lives was not to be slain in battle; were seafarers, whose idea of a freeman's work was warfare and pillage; were cruelly ferocious—adventurers who had never lived under the smoky rafter of a roof, who had never drained the ale horn by an inhabited hearth, and whose prisoners were maimed, blinded, ham-strung, scalped, disemboweled. Such people preferred poverty and death in battle to plenty in peace.

And such, as Taine relates, were the progenitors of the English-speaking people, and therefore of the pure-blooded, undefiled, Anglo-Saxon Southerners—despising the pacificator and the conciliator. Once I was preparing a paper lauding an old Southern Whig who had toiled to avert civil war and make a prosperous, happy South, when I received a letter from the grand-daughter of just such a Unionist. This unusually fine woman—proud of her kinsman—implored me not to say one unkind word about the President of the Confederacy, and this she did though she knew her grandfather had disliked and thoroughly discredited him.

The average man and woman, indeed, seemed not to understand what I was driving at. Though I would explain myself and insist there was method in my madness, I could not put the idea across. "I am not concerned with the past, simply as the past," I would urge, "but with the past as it beclouds the present and darkens the future. Unless the South discovers her deadly mistakes and corrects them, can she ever thrive?" Sometimes I would ask, "Shall we be likened unto the foolish man which built his house upon the sand?" But these thoughts I found it almost impossible to impart.

My efforts to break our fetters, substitute a garland for ashes, bring about prosperity, good will and Christian fellowship, seemed to fall on stony ground. Men and women—mere mortals!—went right along misunderstanding me. To tell the truth I was in the predicament of Immanuel Kant—or was it Hegel? “Alas,” groaned the great philosopher, “when I die my philosophy will die with me. Only one man ever understood me—and he misunderstood me!”

Strange, and passing strange, neither time nor the teachings of the Prince of Peace have softened the memories of our hospitable, warm-hearted, impulsive people. The Master’s injunction, “Love one another,” they repeat—they may be able to quote, word for word, the exquisite thirteenth chapter of Corinthians, but the thought remains as the snow that falls in the river. This situation was depressing. I really feared there was no lining to the clouds. No balm in Gilead.

Somewhere in the writings of Schopenhauer I had read that the happiest moment of a happy man is the moment he falls asleep. I had even heard it intimated that if someone were to knock on the graves and ask the dead if they would rise again they would shake their heads. Calderón, indeed, declares that the greatest curse of man is that he was born, and Lamb bitterly insists that certain people are so hateful that they ought to be hated! But these ugly suggestions I refused to heed. I would have none of them. God must not be shut out of the picture.

Our time is in His hand

Who saith, “A whole I planned,  
Youth shows but half; trust God; see all, nor be afraid.”

Dogmatism—self-confidence—must not be my undoing. “Let him that thinketh he standeth take heed lest he fall.” Back to the teachings of my liberal-minded, boyhood friends I must go: back to Aycock, Connor and Page. The issues

loomed too large for any one individual to solve. Why, indeed, may I not have been wrong?

Ten men love what I hate  
Shun what I follow, slight what I receive;  
Ten, who in ears and eyes  
Match me: We all surmise,  
They this thing, and I that:  
Whom shall my soul believe?

Let the Master answer and dispel the doubt: "Not everyone that saith unto me, Lord, Lord, shall enter into the Kingdom of Heaven, but he that doeth the will of my Father which is in Heaven." Once again, therefore, I resolved to lay aside books, cease to be a fool of reason, mingle with my fellows, become a student of nature. Loafing around in the barber shops, in the drug stores, in the garages, where the village wits gathered and swapped homely stories, was satisfying.

The Christmas season I spent with my sole-surviving Brother down at Windsor, and Lucy Stone, our faithful old slave, now tottering with years, was sent for and came over and called me, "little Marse Robert." And when I bade her farewell, standing in the nursery rich in memories of other days, she caught me in her trembling arms and I was once again her loving little "child."

Philosophy and recitation rooms I had now given a wide berth. I delivered no more learned lectures, wrote no more theses. On the contrary I began to act more and to think less. I visited the homes of old Chapel Hill friends and talked of other times and other days. Occasionally I talked to the negro janitors and servants—a roomful of them—and was stimulated at the sight of their black, earnest, up-turned faces, and by the sound of fervent "Amens!" and "Bless the Lords!" as I encouraged them and assured them that no race had ever

developed more rapidly than they, since they were landed in America.

It soothed me to wander through the arboretum with Coker, head of the Botany Department and hear him tell of the green things he had planted and nourished, to climb the hills of Battle Park with Branson, Rural Economy expert, and discuss the problems of life; to sit at the hospitable table of the beloved college president, Frank Graham, prince of liberals, and discuss good neighborliness and genuine co-operation between labor and capital.

Contact with those I had once given a helping hand was sweet, enabling me to understand what the Scotch lassie, Jeanie Deans, meant when she pleaded with Queen Caroline for the life of her sister and said to her Laddyship, that when we come to dee it wouldna be what we hae dune for oursells, but for others, we would think on maist pleasantly. One day I went into a well-equipped dental office, and, as I quit the chair, asked for my bill. "Nothing, Judge," was the grateful reply. "Not one copper cent! It was you who let Father have the means to enable me to become what I am today."

So, again, as I was walking down the street, a man approached and asked if I remembered him. I did not. "Why, sir," said he, "you once changed the whole course of my life. Yes, I went into your office, mad as mad could be, and had a \$100 bill for you to bring a lawsuit against my neighbor about a line fence. You looked at me with pity and said, 'My friend, what is that fence worth?' 'About two dollars,' I replied. 'Well, now, put up your money. Don't go to law for two dollars. Go home and forget it.' And, sir, I left you wondering what kind of a fellow you were anyhow! Maybe it wasn't so much the advice as the refusing of my money that amazed me!"

Of an evening, I would often go down to the Graham Memorial and take a seat on the steps and chat with my old

colored friend, Bill McDade—the very happiest person I ever knew, the one man who had nothing, and yet had everything.

“Bill,” said I once, “did you ever vote?”

“Me vote? Naw, sir. What I want to vote for?”

“Well, I merely asked.”

“Lor, boss,” Bill laughed, “we niggers don’t know nothin’ ’bout politics. Dat’s you white folkses’ job.”

Bill’s knowledge of the old students, from Aycock and Alderman down through fifty graduating classes of governors, and senators and congressmen and judges and business men, was perfect. Once Bill went over to Charlottesville, Virginia, to visit his friend President Alderman. “En,” said Bill, as his face lighted up, “Mr. Ed, he showed me all over dat campus en through his pretty house, he did. En man alive! you just ought to seen de dinner he gimme—hog jowl en turnip salad en a great big pound-cake! Hooppee!”

One day a letter came from one of our old slaves—a preacher down at Norfolk, and now more than eighty years old. Joseph Mitchell was his name. He began by thanking me for addressing him in a former communication as “Dear Old Comrade”—words which brought vividly before his mind’s eye, he wrote, “your grandfather, my master, and his love for his slaves.” “I remember,” he added, “that my mistress learned my mother’s three children our letters on the screen that sit before the fireplace in the summer of 1862, and Marster, your grandfather, would pass by and say to our Mistiss, ‘Learn them how to read so that they can read the Bible, but don’t learn them how to write.’ And do you know that I really feel that the learning, or the War time education, that my Mistiss gave me, has had to do with the whole course of my life. And I know that God has blessed me in my studies.”

For a long time I had cherished the dream of visiting Springfield, our refugee home. And finally the opportunity presented itself, and the trip was planned. I ran down to

Windsor, and spent the night with Brother Frank, at the Castle. And, next morning, bright and early, Sister and her son and Brother and I started out in search of our old war-time home. It was a lovely day as we sped along over hard-surface roads, through the counties of Bertie and Martin and Edgecombe and Nash and Franklin. Along the way, we stopped at the home of our much-beloved cousin, Anne Malone, daughter of Uncle Fuller. The residence is in Louisburg and is the very first place I remember to have seen.

"Cousin Anne," I said, "where is the great big hobby horse, with eyes in his head, and a real mane and tail, I used to ride?"

"Well, I do say, Robert! And so you remember the hobby horse?"

"Why, of course," I replied. "And the stained glass windows in the front hall and the paintings in the parlor."

And on we talked, of things that had happened full seventy years before, my brother well remembering her brother Edwin, the youthful poet of the family, author of *The Angel in the Cloud*, once reviewed by me for the Library of Southern Literature.

About noon, as we crossed the Tar River at Semmes' Bridge, "Stop," said Brother Frank to Hubert, the chauffeur. "Right down there," and he pointed to the rapidly flowing stream, "Brother George came within an ace of drowning. Yes, one day in the summer of 1866, he was swimming and sinking for the third time, when George Maverick of Texas, then visiting us, dived and saved him."

In a few moments we were passing by the brook which Brother and I, and our little slave-playmates, Stewart and Lundsay, were damming up, on a summer's afternoon in 1866, I think, when the total eclipse of the sun came, and frightened us out of our wits and we scampered home for dear life, to find the chickens all gone to roost. Presently we entered the lane through which Sherman's troops had marched, that April day, leaving behind dead horses and cattle and, here



and there, canteens filled with water, and paper boxes with hardtack-crackers which we ate.

"Now," said Brother, just before we reached the Great House, sitting away back in a grove of giant oaks. "Now, Bob, let's draw a diagram of the old place and see which one has the best memory." And we took out pencils and envelopes and set down our recollections of seventy years before: the big gate, in the worm fence, five hundred yards from the dwelling; the two little gates opening into the yard; the old moss-covered well: the stile on which Lundsay and I were seated that day in '65, when the Union troops came upon us; the circle in the front yard, which we had planned and beautified with shrubs and flowers; the mimosa tree in the center of the circle; the kitchen, one hundred honest feet from the dwelling; the garden, rich with vegetables; the smoke-house and the scuppernong grapevine; the rock slave-quarters, on the edge of the yard; and, further back over the hillside, the stables, and the twenty-acre grove of massive oaks and hickories; the spring where Sue and I lost the silver cup, "which the cow swallowed": all, all this, came back to us.

But Father and Mother and our elder brothers and Miss Lennie, our housekeeper, and Andrew and Washington and Lucy and Charlotte, and Aunt Harriet, and the other slaves—one hundred of them—these were not. After a while we entered the old home, owned by negroes now, who invited us in and gave us complete possession. Brother Frank pointed out to Sister the small room in which she was born—on September 24, 1865—and which she had not seen since she was two years old.

"And just here," said Brother, as we stood in the west window of the living room, "General Frank Blair, commanding the Union army, was seated when a terrific blast was heard. Starting up, the General exclaimed, 'Why, Mr. Winston, what on earth is that?' Father explained that the Confederate authorities had used the plantation as a place to

deposit ammunition; doubtless some of the troops had fired the explosives."

The fancy possessed us to have lunch in the precious old dining room on the ground floor. In a moment Sister improvised a table of boxes. The negroes brought down chairs and stools and Brother asked the familiar blessing, which Father had so often invoked, standing at that very spot. In every way we reproduced the scenes of our childhood, as with swelling hearts we talked of the old days.

In the late afternoon, we were loitering in the front yard, loath to leave, looking about for some shrub or plant or flower to take away as a memorial and, if possible, to transplant, when a venerable negro entered the gate—a very black man he was, but neat and well dressed. Evidently, he was coming to speak to us. As he drew near, Brother's countenance lit up with excitement, his eyes sparkled; he moved forward to meet the man.

"Isn't that Tom Perry?" he asked.

"Yes, Marse Frank, this sure nuf is Tom Perry, your old playmate."

And then into each other's arms, the white man and the black man—the master and the slave—rushed, as Sister and I turned away, overcome with emotion.

"Well," said I, while we were speeding on the way to Sister's home, "we have had a wonderful time, but let's not call it a day until we have stopped by and read Uncle John's will."

"What's the idea?" queried Sister.

"Why, Uncle John left us three slaves," said I.

"And you are looking for them, are you?"

"Well, hardly. But, you see, Brother Frank and I have a double distinction; we were not only the first students to enter the University after the war, but dogged if I don't believe we are the two oldest slave-owners on earth!"

And sure enough, in the courthouse at Louisburg, we

found our uncle's will, one clause of which confirmed my recollection. "To the children of my brother Patrick," the will reads, "I give, devise, and bequeath my slaves, Joshua, Rilla and her increase."

"Didn't I tell you so?" I boasted.

"And how many slaves did that give you?" laughed Sister.

"Well, let's see now. As you were not yet born, we'll count you out, so we four boys got all of three slaves, and as four of us owned three slaves, or twelve-fourths of the whole, each of us owned three-fourths of one slave! That's plain, isn't it?"

Since the death of Mother, Sister had become the head of our clan and the custodian of family records, heirlooms, and hereditaments. And we made ample use of her collection. We ransacked the house, we examined bric-a-brac, photographs, letters, and old newspapers—silent reminders of our childhood and of Windsor Castle, down by the riverside. Though we had no copies of the *Albemarle Times*, which Brother Pat had edited in the '70's, Sister did have a complete file of *Winston's Weekly*, published by him at Spokane. And, as Brother Frank opened up the papers and read aloud the longings of our exiled Brother for the dear South and his old Windsor home, we choked back the tears.

### EXILE

"There is no sorrow like that of exile," he had written, a while before he died. "To live and to know that your eyes will nevermore behold the land of your birth, to have ever present in your heart the memory of the home of your childhood, the friends of your youth, and the companions of early manhood, and to know that never again will you behold them: If there be sorrow on earth, it is this."

"Well did Danton exclaim, when warned to fly from France: 'Can a man carry away his country on the soles of his shoes?'"

"Truly does the Good Book say: 'Weep ye not for the dead, neither bemoan him; but weep sore for him that goeth away; for he shall return no more nor see his native country.'"

And later he wrote:

### IT'S A FAR CRY

"It never seems so far from here to Albemarle Sound as when the frogs begin to croak and the shad begin to run.

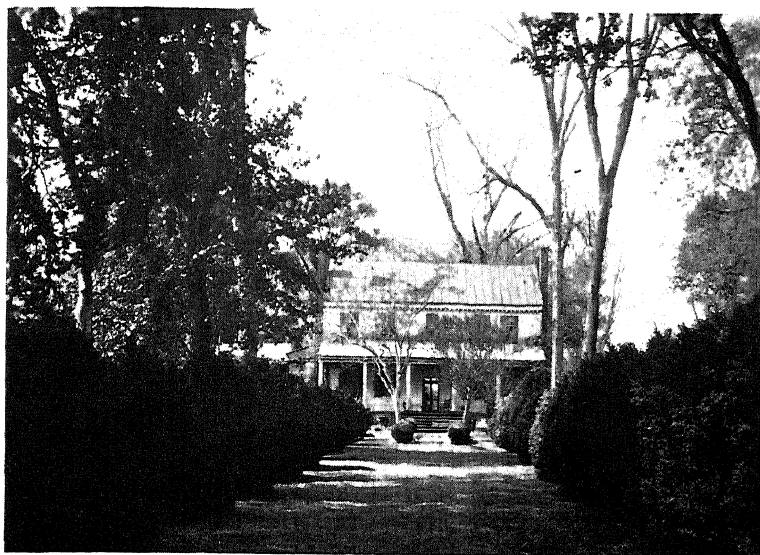
"This week the fishermen will dip their seines. There is nothing to equal a spring morning on a North Carolina fishing beach. It begins with a mint julep and ends the same way, with a North Carolina breakfast of shad roe, broiled shad, egg bread, batter cakes, boiled eggs and coffee, in between. There is a breakfast for an honest man, let us tell you.

"It's a fine sight to see the 'seine' landed, at Capehart's fishery, to see fifteen hundred shad, forty thousand herring, five hundred rock and a dozen sturgeon fluttering on the beach.

"About the best dish, in this world, is roasted perch. The last the writer ate was at Capehart's fishery, in company with Governor Vance and a party of gentlemen. That was a long time ago. It makes one sick at the heart to think of the old days. It's a far cry from here to Avoca or Terrapin Point."

Early next morning our family-gathering came to an end, and we dispersed, Brother going down to Windsor and I setting out for Chapel Hill.

The sun was far in the west, that lazy afternoon in August, when I ascended the long, winding hill, up the old Stage Road, and entered the campus at the eastern gate. "You may let me out here," said I to my chauffeur. Then alone I walked, amidst dear familiar haunts: through the arboretum,



AVOCA



WINDSOR CASTLE  
"IT'S A FAR CRY"



along the President's walk, under the grateful trees, between the Davie Poplar and the abandoned spring—the exact spot where the Fathers sat, before the United States came into being, and sipped applejack and founded our University. To my left was the historic old well. Just in front, the South Building, in which I had lived, a callow youth, sixty odd years before.

Filled with memories of childhood and of old plantation days I passed into the Memorial Building and dropped down upon a comfortable sofa. Just then my eyes fell upon William, my colored friend, mumbling, crooning, lovingly dusting the portraits of University presidents. I motioned the faithful negro to my side.

"Bill," said I, "you remember Ben Hester, don't you?"

"Does you mean that colored fellow what onst cooked for Mr. George Winston?"

"Yes, the same boy."

"Course I 'members Ben. Why, bless Gawd, one commencement-time Ben he got on a tear en the cops tuck em, en Dr. Winston he lost his cook! En his house plum full of company at dat!" And Bill shook with laughter.

"Well, Bill, poor Ben is dead! Yes, died a few days ago. And here's a letter from Lucy his wife. She thanks me for a small check and then says this. 'Yes, Mr. Winston, you is right, Bennie was one good man at heart and he's right over there on tother side the River just awaitin' for us all.'"

"Well, fo' Gawd!" Bill moaned. "En who woulda tho't hit. So Ben, he's dead en gone!"

"Yes, he's crossed over the River. And, Bill? Over there, do you reckon white folks and black folks'll eat at the same table and sleep in the same bed?"

Bill shook his woolly head and was perplexed. And so was I. But why should I doubt? Though the things I had seen I could now see no more, had a glory passed away from the earth? Was the Lord's hand shortened, was his ear heavy?

Is the world unequal to itself? No! A thousand times no!

And now the long summer's day has drawn to evening, evening serene and joyous as the dawn. Overhead the stars have come out—the steadfast stars, neither fretting nor fuming nor reforming one another.

FINIS



## SOME NOTES TO CHAPTER XXVI

### MIGRATION AND COLONIZATION

Without doubt both North and South scout the thought of migration or colonization. Why is this? Is it that the South would hold to the Negro as laborer and serf, without manhood rights, and the North either does not wish him in their midst or else would try out a pseudo-philanthropic racial experiment at the expense of the South? However this may be, the reaction of pure-blooded negroes to my ideas is interesting. A negro teacher in Charleston wrote and said just as soon as his race understood that the United States was backing the colonization movement and would care for negroes as for the Filipinos they would tumble over each other to co-operate. A negro colonel from the Virgin Islands implored me to keep up the fight and so did a remarkable personage, Rabbi Hanck Henck, who called himself a black Jew. The Rabbi's book endorsed and incorporated my articles from *Current History*.

From a reliable source I learned that Brazil would welcome 5,000,000 desirable negroes on terms of perfect equality and race blending. Marcus Garvey wrote that despite the opposition of the United States and the Society for the Advancement of the Colored People more than a million negroes had signed up, paid money and were ready, willing and anxious to take ship for Africa. (*Race Relations*, 549.) When Garvey spoke to the negroes of New York not a hall in the city was big enough to hold the crowd. *Negro Americans* states that Garvey's scheme failed. And so it did. But, as he claims, because the Society put him in the penitentiary, the Judge presiding at his trial being a Society member. The

Liberian government, according to Garvey, was enthusiastic for the movement till our Government, at the insistence of the Society, interposed.

Hitherto the treatment of the Negro by America has been superficial. Nor have racial organizations laid down any definite program. Time, patience, and fair treatment is their only suggestion. But is this negative course a wise one? With the Historical Society at Raleigh may be found a number of letters which passed between me and Moorefield Story, president of a negro society. I endorsed the treatment of the Negro by our people, in the main, and then asked Mr. Story to pause and consider what his organization was trying to do. In many ways were they not seeking to coerce Southern people, as in abolition times? Were they not playing with fire? It will be recalled that Story, in his life of Sumner, advocated the Civil Rights Bill with its implications of absolute social equality.

Mr. Story was indignant. "Your conduct is a disgrace," he wrote. "You a Judge sworn to obey the Constitution and yet violating it." So Story went his way with the best of intentions, but treating symptoms and not causes, I fear. I had suggested to Story a fatherland for the negroes and had pointed to Brazil, the Philippines and other islands, and likewise Liberia, French Guinea and British Sierra Leone, three countries contiguous to each other, almost uninhabited, easy to acquire and extensive enough to care for all American negroes for a hundred years. I had also said to Mr. Story that a simple resolution by Congress, outlining a policy, would stop agitation and settle the issue. The resolution might read as follows, "The United States would welcome a fatherland for the Negro." The President would then appoint a commission to co-operate with leading negroes and set on foot a great independent, ideal, Negro Republic, with a Negro president, a Negro congress, Negro judges, Negro sheriffs. And all this in one of the most favored spots on the

globe, with unsurpassed natural advantages: climate, water power, great, tall mountains, mineral products, ocean front. (*Vide*, Report of Committee on Trade and Taxation for British West Africa. 1922. Cmd. 1600.)

A parallel civilization seemed to me impossible—two races cannot run along, parallel and equal. One or the other will dominate, a view held by Professor Macmurray of London University, who has had much experience in South Africa. It must be understood that I disapprove of violence. Whatever is done should be voluntary. I do not concur in *White America* or in the *Color Line*. Moreover I claim no originality. President Lincoln was wedded to race separation, and Congress voted a large sum to further colonization—a scheme which failed in the fury of civil war. Nor do I insist that I must be right and others wrong. There are better men than I who advocate a parallel civilization. Nevertheless, I state facts and record conclusions, drawn from a life of nearly eighty years spent among negroes—first being suckled by a negro woman and owning slaves, then playing with them, later, defending them, and in old age, respecting a race struggling upward against heavy odds.

I might add that Negro emigration would relieve the South of the great burden of a double overhead; separate school buildings, separate accommodations for whites and blacks, separate teachers, in schools, colleges, and universities, separate hotels, boarding-houses, theaters, churches, buses, railroad cars, and amusement parks.

It was once urged that colonization was impossible because, as Booker Washington had said, negro babies were being born faster than they could be hauled away! This witticism was answered by the World War, when millions of soldiers, in a few months, crossed the ocean dodging submarines, hostile ships, and aircraft. This objection indeed seems almost as flimsy as the other that the oppressed Negro

race would not gladly breathe a new land of freedom, prosperity, and racial integrity.

Let no one imagine I am fooling him or myself. I admit that the job is a stupendous one. Seventy years now the Negro has been free; it is late in the day to agitate his colonization. But if the task is great so is the danger. Should not the remedy equal the emergency? One may hear Faint Heart as he says, "Pray leave the Negro alone!" Would that we might do this. Alas, the boot is on the other foot, the Negro will not let us alone. Slowly but surely the race issue is coming to a head. And no one knows the upshot. Must it be, as Wells declared to Booker Washington in 1906, servitude or amalgamation, adding that a parallel civilization is impossible and citing the slaughter of the Armenians by the Turks? God only knows. If Southern people realized that race blending was inevitable would they oppose Negro exodus, and if Northern people realized that their cities might soon be controlled by negroes, emigrating from the South, would they sit idly by, take no steps for the future and pursue a do-nothing policy? Laws N. C. 1891, p. 77; do., 1901, Ch. 9, enact heavy punishment on agents taking laborers—negroes—out of the state.

#### ISOLATION AND INTEGRATION

James Weldon Johnson—*Negro Americans*, p. 4—reduces the contingencies to two, isolation and integration. *The Negro Year Book*, for 1932, seems to welcome integration. Indeed, there is not one single international ethnologist who does not predict that eventually the blacks, if given full rights, will be absorbed by the whites. Some scientists assert that this condition will come about, and should come about, very soon. Others postpone the date to thousands of years. All are sure miscegenation will result provided the Negro is given a chance fully to develop. About 1926, when a social conference was held at Chapel Hill and the subject of Negro

morons was discussed, a learned Hopkins expert on race matters presided. Said he, "If you are going to investigate black morons you must be in a hurry, as there will soon be no full-blooded Africans in America." Along the same line other experts have spoken, Boas of Columbia, Conklin of Yale, Ratzel, and the Governors General of Jamaica and South Africa. Weatherford does not agree as to the time of racial mixing. He thinks it is further away.

That intimate social relations between whites and blacks—mixed schools, mixed hotels, and the like—will hasten race blending is shown by a great increase of mulattos in the cities of the West and North, far exceeding that of the South. (*Negro Americans*, p. 451.) A concise statement of modern thought, on the necessity of amalgamation, may be seen in an article called "Colour Prejudice," *Contemporary Review*, vol. 124, page 448, October, 1923; *vide* other articles by Sir Sydney Olivier in the same magazine, vol. 134, page 455; vol. 131, page 144; and in the *Nation*, vol. 124, page 142.

#### LOSS OF POPULATION FROM MIGRATION

"Between 1900 and 1930," according to H. W. Odum, "more than 3,400,000 of those born in the Southeastern states have moved to states outside the region. What the estimated value of this human wealth would be depends upon the per capita estimate of capital wealth. At an appraisal of one-half the maximum used by economists the aggregate would approach the present stupendous national debt." *Southern Regions* (1935), pp. 95; 31, 40, 463. In a word migration of whites in thirty years has cost the South \$60,000,000,000. Odum also points out that it is usually the venturesome ones who go away, leaving behind those content to take their ease. It results that, in desirables, the South is under-populated but in undesirables it is over-populated. That is, there are far too many tenants, croppers, unskilled laborers and other ne'er-do-wells.

The South has bred in and out, with no infusion of new blood. It is estimated that since 1900, 3,800,000 people have left the Southeast entirely and only 400,000 have come in from elsewhere, still leaving a loss of 3,400,000. (*Southern Regions*, p. 453.) In many Southern states the proportion of foreign born—*i.e.*, born out of the state—to natives is less than one per cent.

#### ADVANTAGES AND DISADVANTAGES

The eleven Southeastern states have a climate unexcelled and embrace 17% of the national area and 21% of the population. Yet, in material development, they lag. This region has only three of the one hundred great banking systems, with deposits of less than 1½%. Of an aggregate of 161 units in the 29 great concentrated areas of iron and steel it has only 5. There are 195 units of food concentration; this region has 28. Of the 30 great industrial areas none is in this region, and practically no great corporate body in finance and commerce. Only 3% of the milk-processing plants are here, with an annual shortage of milk amounting to 121,000,000 gallons. There is likewise a shortage of 20,000,000 bushels of field peas. The income and wages of the region are from 30% to 50% below normal. Forty-five per cent of the waste, or eroded land, is in this section and it is estimated that 20,000,000 tons of potash and nitrogen and phosphates are annually washed out of the soil. The profits of the farms are taken up in the purchase of live stock, food-stuff, milk, butter, cheese, and, specially, fertilizer. Five and a half million tons of fertilizer, costing \$161,000,000, are purchased annually, whereas the balance of the nation uses but two and one-half million. Wealth per capita is about one-half the national average. And so on, through a category of lost and wasted opportunities.

This condition exists despite many natural advantages: The Southeastern states embrace 40% of desirable farm lands,

40% of commercial forests, 98% of yellow pine, 43% of hard wood, 20% of the fisheries, 20% of plant nurseries, 20% of the natural soft coal, 61% of marble, 10% of pig iron, and 100% of soapstone. "Fuel and water power are of such regional excellence as exist in no other region of the country." This section (and the Southwest) furnish 65% of the nation's petroleum and 50% of the natural gas, likewise 98% of the natural phosphates, 99.9% of the sulphur, and 43% of borate. The water power of the Southeast develops 16,000,000 horsepower—a total that equaled the national output in 1930. In a word, though the region is far above the average in natural resources it is far less developed. Why this lag? Was the original cause slavery, followed by the free Negro and then by reconstruction and sectionalism, resulting in loss of desirable population? *Current History*, Nov., 1931, "The South in Transition," by Robert W. Winston.















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